

31 MARCH 1948

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Wednesday, 31 March 1948

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INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST  
Court House of the Tribunal  
War Ministry Building  
Tokyo, Japan

The Tribunal met, pursuant to adjournment,  
at 0930.

Appearances:

For the Tribunal, all Members sitting.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

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(English to Japanese and Japanese  
to English interpretation was made by the  
Language Section, IMTFE.)



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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present  
4 except UMEZU and SHIRATORI who are represented by  
5 counsel. The Sugamo prison surgeon certifies that  
6 they are ill and unable to attend the trial today.  
7 The certificates will be recorded and filed.

8 Mr. McManus.

9 MR. McMANUS: With your Honor's permission,  
10 I shall resume at page 322, paragraph 272.

11 272. Re Exhibit No. 3767-A,<sup>1</sup> we contend  
12 that it works to the advantage of the accused ARAKI  
13 because:

14 (1) ARAKI intended to be amicable with  
15 Britain, the United States and other nations.

16 (2) That even in the midst of the Manchurian  
17 Incident he intended to hold a peace conference by  
18 inviting Britain, the United States, France, Soviet  
19 Union, China and any other nations that were interested  
20 in the East for the purpose of preventing Bolshevism  
21 and settling the Manchuria issues in a peaceful manner.

22 (3) That he asserted that Japan's foreign  
23 policy should be based on Japan-American amicability  
24 and that the same policy should be maintained with  
25

~~other nations.~~

1. IPS Document No. 3150-61-A, T. 37,612

1 (4) That Japan's armaments should be  
2 equipped for national defence so that Japan might not  
3 be despised or threatened by other Powers, this being  
4 merely a preparation to avert a provocative war.

5 273. Re Exhibit No. 3768-A,<sup>1</sup> the prosecution  
6 presented this document as rebuttal against ARAKI's  
7 denial of the following.<sup>2</sup> ARAKI is alleged to have  
8 said to HARADA when the latter came to see him on  
9 December 6, 1932, as follows:

10 (1) If the Japanese armed forces remained  
11 as they were in Jehol, a similar disaster as that of  
12 Nicholievsk would have broken out.

13 (2) It should be settled with one stroke  
14 by despatching a large number of troops there as in  
15 the Shanghai Incident.

16 (3) At first the army did intend to despatch  
17 troops to Shanghai.

18 (4) The Foreign Office did not recognize  
19 that the army settled the Shanghai Incident in a  
20 hurry.

21 Now in the transcript, Witness ARAKI says:  
22 "As I have said now Mr. HARADA came unexpectedly  
23 and after hearing my chats would return home. Therefore  
24

- 25 1. T. 37,618.  
2. T. 28,346.



1 it is difficult to state here when I met him and what  
2 I told him unless it was on some special occasion...."<sup>1</sup>

3 "As I have repeated now, I cannot now  
4 answer for sure regarding what I told Mr. HARADA. As  
5 I do not remember what I told or said to him, I cannot  
6 answer."<sup>2</sup>

7 Therefore, ARAKI did not deny the prosecutor's  
8 statement as to his interview and the contents of his  
9 talk with HARADA, but stated that he did not remember  
10 particular circumstances.

11 274. Re Exhibit No. 3769-A,<sup>3</sup> the prosecutor  
12 presented this document as rebuttal against ARAKI's  
13 denial of the following facts:

14 (1) That he opposed the conclusion of the  
15 Non-Aggression Pact.

16 (2) That Finance Minister TAKAHASHI said  
17 that the Army and gendarmes controlled the public  
18 opinion and the press by threatening them.

19 But the following facts will be found by  
20 reading the Transcript:

21 Regarding problem (1) opposition to the Non-  
22 Aggression Pact, all the cabinet members unanimously  
23 agreed that it was necessary first to settle all the  
24

25 1. T. 28,348

2. T. 28,349

3. IPS Document No. 3150-66A, T. 37,630.



1 problems that were pending between Japan and the  
2 Soviet Union. After that a Non-Aggression Pact  
3 should be concluded with sincerity and in accordance  
4 with the true spirit of the pact, for as an alternative  
5 a serious situation might develop.<sup>1</sup>

6 Accordingly it was not an opposition.

7 Indeed the Japanese Government wished, as it agreed  
8 to the intention of the pact, to have more fundamental  
9 problems considered in that connection. But it did  
10 not develop to be a formal proposal. First ARAKI stated  
11 he did not remember and then he denied that it was  
12 discussed in a cabinet meeting. It is our contention  
13 that this denial can readily be understood if one  
14 takes into consideration his first statements that he  
15 did not remember and that as the matter never developed  
16 into a formal proposal it is quite conceivable that  
17 ARAKI could well have believed that no such situation  
18 ever occurred.

19  
20 Concerning the second part of this document,  
21 that the press was controlled by the army when ARAKI  
22 was War Minister, we merely call the attention of the  
23 Tribunal to the very next document introduced by the  
24 prosecution wherein it relates to a verbal chastizement

- 25  
1. T. 28,395  
2. Ex. No. 6770-A

1 of ARAKI by some members of the cabinet because ARAKI  
2 nor the army could control the press. These documents  
3 directly contradict each other.<sup>1</sup>

4 275. Re Exhibit No. 3770-A,<sup>2</sup> the prosecutor  
5 presented this document as rebuttal against ARAKI's  
6 denial of the following fact.

7 At a cabinet conference on February 1, 1933,  
8 some member of the cabinet said that the army was  
9 instigating the press by advocating Japan's withdrawal  
10 from the League of Nations and asked why the Minister  
11 of War did not suppress it. In the transcript  
12 prosecutor Comyns Carr asks, "Didn't any member of the  
13 cabinet complain at a cabinet conference on February  
14 1, 1933, that the army was instigating the nation  
15 through the press to pave the way for withdrawal from  
16 the League?" Witness ARAKI replied, "I don't know."  
17 When the prosecutor asks, "Do you mean that you did  
18 not instigate but that the newspaper published articles  
19 of its own free will?", ARAKI replies, "Yes, I do."  
20 When the prosecutor asks further, "Why did you not  
21 make the press stop it?", he replied, "The press  
22 was not all under our jurisdiction."<sup>3</sup>

23  
24 276. Re Ex. No. 3771-A which the prosecutor

- 25  
1. T. 37,630 to 37,634.  
2. T. 37,633  
3. T. 28,396  
4. T. 37,635



1 offers in rebuttal to ARAKI's denial that the cabinet  
2 decided in 1933 to avoid further trouble with the  
3 League of Nations, to describe the campaign in Jehol  
4 as against bandits and not Chinese regular troops,  
5 ARAKI contends that if the latter half of this document  
6 is read in view of his answer, it is clear that the  
7 cabinet decided in the conference that the Japanese  
8 forces should operate to keep peace and order in  
9 Manchukuo as an obligation of joint defence stipulated  
10 in the Japan-Manchukuo Protocol, but that precautions  
11 should be taken for the Japanese forces not to march  
12 over the Great Wall to the south crossing Jehol. In  
13 this respect ARAKI's testimony does not conflict  
14 with this document. This is clarified by Witness MAZAKI.<sup>1</sup>

15                   277. Re Exhibit No. 3772-A,<sup>2</sup> this document  
16 says that the Minister of War together with Foreign  
17 Minister UCHIDA, urged immediate withdrawal from the  
18 League of Nations at the cabinet conference held on  
19 December 15, 1933, but that many other members of the  
20 cabinet did not agree with them.

22                   But this is HARADA's irresponsible misrepre-  
23 sentation, for,

24                   (1) HARADA could not have known the details

25                   1. Ex. No. 3168, T. 28,460  
                  2. T. 37,636



1 of the cabinet conference, as he was not a cabinet  
2 member. He must have heard it from someone.

3 (2) This document does not even say from  
4 whom HARADA received his information.

5 And (3), Part 13 of ARAKI's Affidavit<sup>1</sup>  
6 clearly shows that ARAKI was fundamentally opposed  
7 to the withdrawal.

8 278. Re Exhibit No. 3775-A,<sup>2</sup> we call your  
9 Honors' attention to the meaningless purpose for which  
10 Prosecutor Comyns Carr offers this document re ARAKI.  
11 The prosecutor stated in his tender of the document,<sup>3</sup>

12 "I now offer...in rebuttal of ARAKI's  
13 refusal to confirm...that the Japanese Cabinet discussed  
14 the attitude of the United States and European  
15 countries towards trade matters."

16 "Refusal to confirm" What does this mean?  
17 What does it prove?

18 The transcript clearly shows<sup>4</sup> that ARAKI  
19 did not deny, as he said, "I do not remember well."  
20 How could he have confirmed what he did not remember well?

21 Such an endeavor as this by the prosecution  
22 to convince this court of an accused's guilt by trying  
23

- 24 1. Ex. No. 3161, T. 28,170  
25 2. T. 37,649  
3. T. 37,647  
4. T. 28,391

1 to create an erroneous inference must be held against  
2 the prosecutor unless he succeeds in convincingly  
3 establishing that the accused deliberately lied. We  
4 contend he has not done so and therefore all such  
5 similar endeavors and attempts must be disregarded  
6 and carefully scrutinized by this court.

7 Even though we contend that the entire  
8 document should be disregarded there are several other  
9 points concerning the contents of same, for the sake  
10 of prudence, we believe should be called to the  
11 Tribunal's attention. On cross-examination ARAKI  
12 said, "I had a hot discussion with Mr. TAKAHASHI. It  
13 was on another question. But as it has some bearing  
14 on what you ask, shall I tell you about it?" Your  
15 Honor, the President, replied "You needn't answer  
16 unless you are asked." The matter then, we contend,  
17 was ended.<sup>1</sup>

18 Another point concerning this document was  
19 the mistranslation and I quote the following from the  
20 record.

21 On page 37,731, the President said:

22 "The correction made this morning by Captain  
23 Kraft is an important one, in my judgment; but it does  
24 not help the defense, strangely enough, unless I  
25

1. T. 28,391



misinterpret the document..."

1 On page 37,732-3-4, the record continues:

2 "MR. McMANUS: Your Honor, insofar as your  
3 Honor has referred to the correction made by Captain  
4 Kraft this morning, may I just ask your Honor, or at  
5 least point out to the Court that the sentence in  
6 Japanese concerning this particular sentence of Exhibit  
7 3775-A contains a double negative.

8 "THE PRESIDENT: It is a common form of  
9 expression, grammatically correct. We do not misunderstand  
10 it.  
11

12 "MR McMANUS: But because of this, your  
13 Honor, I understand it is very difficult to translate,  
14 so consequently, I ask the Court, just for this one  
15 point, to have it resubmitted to determine whether  
16 this is in the present tense or the future tense. In  
17 view of the few sentences before it, as it reads as  
18 corrected by the Language Section, your Honor can  
19 readily see that it does not make sense.

20 "THE PRESIDENT: If Captain Kraft cares to  
21 reply to you, Mr. McManus, he is at liberty to do so.

22 "MR. McMANUS: Your Honor, all I request  
23 is that it be resubmitted to determine whether this is  
24 in the present or future tense.

25 "THE PRESIDENT: Captain Kraft.



1 "LANGUAGE ARBITER (Captain Kraft): Sir,  
2 in regard to the tense of this expression, we discussed  
3 the matter quite at length and found in a previous  
4 sentence the time referred to was today, and for that  
5 reason we translated it to be in the present tense.  
6 In the sentence itself it is difficult to determine  
7 what is meant. You have to take it from the context,  
8 the entire context.

9 "THE PRESIDENT: That is a feature of the  
10 Japanese language, I understand. It is not something  
11 new.

12 "MR. McMANUS: Your Honor, the crux of the  
13 entire discussion was whether or not there would be  
14 a crisis in 1935 or 1936 which was sometime in the  
15 future.

16 "THE PRESIDENT: Put it in your summation."  
17 If the Tribunal pleases, we still contend  
18 that the correct translation of the last sentence in  
19 this document should read "It cannot be said that  
20 there will not be a crisis." When it is changed in  
21 this way we submit that it is the attitude that a  
22 War Minister should assume and that the document then  
23 would have no probative value.

24 This further, is only one of many instances  
25 where mistranslations have occurred. To cite just one

1 other glaring example we request the Tribunal to refer  
2 to page 37,661 of the record concerning exhibit No.  
3 3769-A when after it had been pointed out by the  
4 defense counsel that there had been many errors in  
5 the aforementioned document, the Language Arbiter  
6 made the following corrections (and I quote from the  
7 record).

8 "LANGUAGE ARBITER (Captain Kraft): If the  
9 Tribunal please, the following language corrections  
10 are submitted:

11 "Reference Document No. 3150-66-A, exhibit  
12 No. 3769-A, Line 13: Insert 'and such circles' between  
13 the words 'army' and 'fear'.

14 "Second paragraph, line 6, delete 'army'  
15 and substitute 'military'.

16 "Line 10, delete 'by the army on the reason'  
17 and substitute 'because'.

18 "Line 11, delete 'army' and substitute  
19 'military'.

20 "Page 2, lines 2 and 3, delete 'mumbled  
21 that he would explain later or the like' and substitute  
22 'said, well later on or something like that'."

23 All these latter corrections, if the Court  
24 will please note occurred in one single document.

25 Now, as aforementioned, as your Honor advised



me to call this to the Tribunal's attention in  
 1 summation I am so doing with the sincere request that  
 2 your Honors will give same careful consideration.

3 For the last comment on this document, 3775-A,  
 4 it should be noted that Baron HARADA said this.

5 279. Exhibit No. 3775-B.<sup>1</sup> The transcript  
 6 says<sup>2</sup> that Witness ARAKI replied to Prosecutor Comyns  
 7 Carr's question as follows:

8 "After the five ministers' conference settled  
 9 the issues regarding national defence and foreign  
 10 affairs, it was probably issued by the Foreign Office.  
 11 I cannot understand its details as it has been explained  
 12 too simply. But I think it could be issued."

13 The prosecutor, however, presented this  
 14 document as rebuttal against ARAKI's denial. Therefore  
 15 it is self-evident that it should be disregarded.  
 16 Moreover, it was proper, as it is stated in the  
 17 document, that the government and the army should prevent,  
 18 under the circumstances of the Incident, domestic  
 19 disturbances caused by the Third International or  
 20 the Fifth Column. Therefore this document is neither  
 21 relevant nor important.

22 280. Re Exhibit No. 3777-A,<sup>3</sup> this document

- 23  
 24  
 25  
 1. T. 37,649  
 2. T. 28,398  
 3. T. 37,665



only shows Premier OKADA's supposition of ARAKI's intention from the fact that First Division Commander YANAGAWA was constantly attending in the War Minister's room. At that time (September 13 or so, 1934), ARAKI was not Minister of War, but General HAYASHI was War Minister, in whose room First Division Commander YANAGAWA was said to be attending. Apart from whether or not Premier OKADA considered Division Commander YANAGAWA's behavior as an overthrowing movement of the cabinet, General OKADA was well aware that ARAKI was not an advocate of the annexation of Manchuria. For, when Counsel OKAMOTO cross-examined him while he was on the stand:

"In SAUNHARST's affidavit such phrases often appear as 'the army's establishment of a puppet regime' or 'the Army's plans to occupy Manchukuo'. Do you really mean by the word 'army' some young officers and not, for instance, these accused here?"

Mr. OKADA replied:

"That is so."<sup>1</sup>

ARAKI's affidavit says that he was opposed to the annexation of Korea as he had no territorial ambition, maintaining that a nation which had its own racial history should not be annexed. Furthermore,

1. T. 1904

1 HARADA's Memoirs, "Justice Minister Tells", No. 97,<sup>1</sup>  
2 proves that ARAKI was not an advocate of the  
3 annexation of Manchuria. It says:

4 "That the incident of Shimpeitai was a  
5 serious one. A considerable number of rioters was to  
6 be gathered. A concrete plan was also made by those  
7 in Osaka. They announced they would offer prayer to  
8 the Meiji Shrine. Many people would gather. While  
9 the attentive precautions were made by the police to  
10 the prayer-meeting, various quarters would be attacked.  
11 Their respective roles seem to have been decided.  
12 When he was asked, 'Will you assassinate the War  
13 Minister?', SUZUKI, Zen-ichi, replied, 'Of course we  
14 will, because of ARAKI we cannot control Manchuria'."

15 Therefore ARAKI was not an advocate of the  
16 annexation. On the contrary, as he settled the  
17 Manchurian Incident in such a way as not to be annexed,  
18 the extreme rightists resented this and tried to kill  
19 him.

20  
21 281. Re Exhibit No. 3806,<sup>2</sup> this document is  
22 concerned with the closing period of the HIRANUMA  
23 Cabinet in August, 1939, when the attendant of Prince  
24 SAIONJI, a senior statesman, were maneuvering for a

- 25  
1. T. 28,188  
2. T. 37,841



1 succeeding cabinet. According to the document HARADA  
2 met ARAKI with a view to having ARAKI and KOISO  
3 as next cabinet members as it was KONOYE's wishes.  
4 But he found ARAKI's view of KOISO was extremely  
5 unfavorable, it says. We contend the following two  
6 points in this evidence are to ARAKI's advantage.

7 (1) He says, "Such a maneuver is extremely  
8 detrimental and contradictory with the time when Japan  
9 is going to establish a new order with morality". Thus  
10 he asserted that a maneuver was detrimental to Japan  
11 in Kodo (the Imperial Way).

12 (2) HARADA says, "ARAKI spoke, not well  
13 but extremely ill, of KOISO. And so I felt despaired  
14 of KONOYE's intention that KOISO and ARAKI be in the  
15 same cabinet". This statement will overrule the  
16 prosecution's testimony of the common conspiracy of  
17 ARAKI and KOISO supporting HIRANUMA as their head  
18 through the Kokuhon-Sha organization. Though ARAKI  
19 did not agree to be in the same political activities  
20 with KOISO, he denied that he spoke ill of KOISO.  
21 ARAKI, who made it a rule never to speak ill of others,  
22 replied firmly in the negative when Prosecutor Carr  
23 asked him about it without revealing the proposed  
24 cooperation of ARAKI and KOISO. It seems that either  
25 Mr. HARADA described such an event to endorse his own

1 story or he told ARAKI what he had heard from others.

2 Now, if your Honors please, I have here a  
3 list of all ARAKI's evidence in refutation to every  
4 paragraph in the prosecution's summation, and I have  
5 listed all the evidence that we have put in in  
6 refutation to every charge by the prosecution in this  
7 particular paragraph, number 10. It contains nothing  
8 more than a reference to our documents, and I ask  
9 that it be included and accepted by the Tribunal  
10 as part of the transcript. Even though it might be  
11 only for reference I ask that it be considered part  
12 of our summation and I shall refrain from reading same.

13 THE PRESIDENT: It will be included in the  
14 transcript.  
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16  
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25



(A portion of the summation, which was not read, is as follows:)

Refutation to the Prosecution Summation.

Chapter 10.

AA-2.

1. ARAKI was not conversant with the current state of affairs before he became War Minister.

A. Tr. 28,126, Ex. 3161 (outbreak of the Manchurian Incident was known to him by the newspapers.)

B. Tr. 2,062 (ARAKI had no connection with the central political circles.)

C. Summation chapters 18, 54.

2. Chief of the General Affairs Department of the Inspectorate General of Military Training was an advisory position to the chief of the office which had nothing to do with military administration or operation.

A. Tr. 518.

B. Tr. 28,125, Ex. 3161 (This was an advisory position to the Inspector General.)

C. Summation chapters 18, 54.

3. Chairman of the committee of the entrance examination of the Military Preparatory School was a position to be occupied by the Chief of the General Affairs Department of the Inspectorate General of Military Training.

1 A. Tr. 28126, Ex. 3161.

2 B. Summation chapter 54.

3 4. ARAKI did not accept responsibility for the  
4 invasion by accepting the post of Minister of War. He  
5 became War Minister to terminate the Incident.

6 A. Tr. 28,457, Ex. 3167 (No stone had to be  
7 left unturned in immediate saving of the situation.)

8 B. Tr. 28,557, Ex. 3173 (ARAKI told me he  
9 should do his best to put an end to the armed fighting.)

10 C. Summation chapters 52-54.

11 I. Activities Before Appointment as War  
12 Minister, December, 1931.

13 AA-3.

14 1. Chairman of the Committee of the Entrance  
15 Examination of the Military Preparatory School was under  
16 jurisdiction of the Inspectorate General of Military  
17 Training, not under the War Ministry, and so the position  
18 had nothing to do with the military administration.

19 A. Tr. 28,126, Ex. 3161.

20 B. Summation chapter 54.

21 AA-4.

22 1. ARAKI was not concerned in establishment of  
23 Kokuhonsha.

24 A. Tr. 1,636, Ex. 164 (It was established in  
25 December, 1920. ARAKI joined it in 1924. "Principle



1 story or he told ARAKI what he had heard from others.

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3 list of all ARAKI's evidence in refutation to every  
4 paragraph in the prosecution's summation, and I have  
5 listed all the evidence that we have put in in  
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12 of our summation and I shall refrain from reading same.

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B. Tr. 2,062 (ARAKI had no connection with the central political circles.)

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1 A. Tr. 28126, Ex. 3161.

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4 invasion by accepting the post of Minister of War. He  
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7 left unturned in immediate saving of the situation.)

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9 should do his best to put an end to the armed fighting.)

10 C. Summation chapters 52-54.

11 I. Activities Before Appointment as War  
12 Minister, December, 1931.

13 AA-3.

14 1. Chairman of the Committee of the Entrance  
15 Examination of the Military Preparatory School was under  
16 jurisdiction of the Inspectorate General of Military  
17 Training, not under the War Ministry, and so the position  
18 had nothing to do with the military administration.

19 A. Tr. 28,126, Ex. 3161.

20 B. Summation chapter 54.

21 AA-4.

22 1. ARAKI was not concerned in establishment of  
23 Kokuhonsha.

24 A. Tr. 1,636, Ex. 164 (It was established in  
25 December, 1920. ARAKI joined it in 1924. "Principle

activities" in Ex. 164.)

B. Tr. 688, Ex. 103 (ARAKI was in Kyushu as Commander 23rd Regiment.)

C. Summation chapter 268.

2. Kokuhonsha had no political significance. It was to promote the spiritual culture of the people.

A. Tr. 28,332-28,333.

B. Tr. 1,636, Ex. 164 (Page 3 of this exhibit is a list of principle members of Kokuhonsha, which includes several Generals and Admirals. If it were a political organization, those people would not have joined it.)

C. Summation chapter 268.

3. On or about July 16, 1931, the date of entry of HARADA Memoir, ARAKI was not in Tokyo. He was Divisional Commander in Kumamoto.

A. Tr. 1,636, Ex. 164 (principle activities)

B. Tr. 37,567, Ex. 3754-B.

C. Tr. 683, Ex. 103.

D. Summation chapter 268.

AA-5.

1. ARAKI says he did not know the outbreak of the Manchurian Incident other than by the newspaper reports.

A. Tr. 28,126, Ex. 3161.



1 2. ARAKI was scheduled to be the head of the  
2 intended cabinet at the October Incident not because of  
3 his position, but because of his unimpeachable character.

4 A. Tr. 19,667, Ex. 2424.

5 B. Tr. 28,795, Tr. 3,195.

6 C. Tr. 2,062.

7 3. ARAKI's crushing of the October Incident  
8 shows that he was not a member of the conspiracy.

9 A. Tr. 15,586, Ex. 2177-A (ARAKI was not  
10 involved in the Incident.)

11 B. Tr. 19,667, Ex. 2424.

12 C. Tr. 28,125, Ex. 3161.

13 D. Summation chapters 5, 14-35.

14 II. Activities as War Minister in Relation to  
15 Manchurian Incident.

16 AA-6.

17 1. Circumstances surrounding his appointment  
18 were not different from others.

19 A. Tr. 28,127, Ex. 3161.

20 B. Tr. 20,101.

21 C. Summation Chapter 51.

22 2. If the Premier considered that there would  
23 be no gulf between the older and younger officers, it  
24 must have been one of the motive powers, not the sole  
25 cause, of having led him to the decision.

1 A. Tr. 1,551 (ARAKI did know of the feeling)

2 B. Tr. 28,127, Ex. 3161.

3 AA-7.

4 1. ARAKI endeavored to check the spreading of  
5 the Incident.

6 A. Tr. 1,489.

7 B. Tr. 28,458, Ex. 3168.

8 C. Tr. 28,557, Ex. 3173.

9 2. ARAKI successfully controlled the young  
10 officers.

11 A. Tr. 28,196, Ex. 3161 (During the tenure  
12 of his office, there was not a single instance of un-  
13 lawful incident by army officers. Army officers did  
14 not participate in May 15 Incident.

15 B. Summation chapter 31.

16 3. INUKAI's despatchment of emissary to  
17 Chiang Kai-shek was a private affair. Chaing Kai-shek  
18 at that time was not the head of the government. In view  
19 of the existing state of affairs in Manchuria, it is in-  
20 conceivable that INUKAI should have intended having  
21 Imperial Command to withdraw the troops.

22 A. Tr. 28,148, Ex. 3161.

23 B. Tr. 28,461, Ex. 3166.

24 C. Summation chapter 31, 53.

25



14-8.

1 1. The army budgets in 1932 and 1933, ex-  
2 cluding the budget for the Manchurian Incident, was not  
3 more than those of preceding years.

4 A. Tr. 28,193, Ex. 3161.

5 B. Tr. 7,531, Ex. 706 (Strength of army in  
6 1932.)

7 C. Summation chapter 245, 246.

8 2. ARAKI kept close co-operation with the  
9 Premier to deal with the Manchurian Incident.

10 A. Tr. 28,149, Ex. 3161.

11 B. Tr. 1,867 (Succeeding Ministers of Army  
12 and Navy co-operated with the government.)

13 C. Tr. 28,462, Ex. 3168.

14 D. Tr. 19,570, Ex. 2418.

15 E. Summation chapter 57.

16 3. ARAKI's concession of a portion of the army  
17 budget to the navy certainly in conflict with HARADA's  
18 statement that he requested a doubling of the army  
19 budget.

20 A. Tr. 28,192, Ex. 3161.

21 B. Tr. 1,902.

22 C. Summation chapter 62.

23 4. It is highly inconceivable that ARAKI  
24 should have discussed a serious problem of the army  
25

budget with HARADA with whom he was not on intimate terms  
and who was certainly not a cabinet member.

A. Tr. 37,616, Ex. 3767-A.

B. Tr. 28,331.

C. Summation chapter 272.

AA-9.

1. Harbin Expedition was to protect Japanese  
nationals residing there.

A. Ex. 57 (p. 79, Lytton Report.)

B. Tr. 19,355, Ex. 2405.

C. Tr. 19,422, Ex. 2408.

D. Tr. 28,143, Ex. 3161.

E. Tr. 28,583, Ex. 3174.

F. Summation chapters 100,101,102.

2. Chinchow Expedition was to restore law  
and order.

A. Ex. 57 (Lytton Report, p. 77)

B. Tr. 19,352, Ex. 2405.

C. Tr. 19,420, Ex. 2408.

D. Tr. 28,133, Ex. 3161.

E. Summation chapters 82, 83, 86, 87.

3. The expedition was based on Japan's reservation  
at the Council of the League of Nations.

A. Ex. 57 (Lytton Report, p. 77)

B. Summation chapter 88.



1 4. The expedition was not violating Japan's  
2 assurance to the U. S. Government.

3 A. Tr. 2,246-2,247, Ex. 190 (Japanese  
4 citizens must be protected by Japanese troops.)

5 B. Summation chapter 89.

6 5. Pacification of Chinchow had started before  
7 ARAKI became War Minister.

8 A. Tr. 28,132, Ex. 3161.

9 B. Tr. 10,075, Ex. 1104 (After December 11,  
10 1931, the movement towards Chinchow was resumed.

11 C. Summation chapter 90, 154.

12 6. The prosecution distorted MINAMI's testimony.

13 A. Tr. 19,921-2 (This occupation was neces-  
14 sitated by the state of the opposition.)

15 B. Tr. 19,923 (All he did was to listen.)

16 C. Summation chapter 87.

17 AA-10.

18 1. There was not a plan for the occupation of the  
19 Four Eastern Provinces of Manchuria.

20 A. Tr. 28,131, Ex. 3161 (This is a mistake  
21 caused by the interpretation.)

22 Tr. 28,225, Ex. 3161 (This allegation is  
23 entirely different from the fact.)

24 Tr. 28,304 (There were no plans to occupy  
25 the Four Eastern Provinces.)

B. Tr. 28,307, Ex. 3162.

C. Tr. 19,380.

D. Tr. 19,447.

E. Tr. 28,457.

F. Tr. 28,587.

G. Tr. 1,489 (LRAKI was endeavoring to check the spreading.)

H. Tr. 28,439.

I. Tr. 28,581.

J. Summation Chapters 67-70.

2. The term "Four Eastern Provinces" was first used in 1928.

A. Tr. 28,304 (You chose to occupy Jehol as well, making four.)

B. Tr. 28,304 (That is not correct.)

C. Tr. 18,719, Ex. 57 (Administration of Manchuria with the addition of Jehol.)

D. Summation chapter 70.

3. Restoration of law and order is different from occupation.

A. Tr. 28,130, Ex. 3161.

B. Tr. 28,302, 28,310.

4. Military operation was to execute self-defense.

A. Tr. 19,522.

B. Tr. 28,130, Ex. 3161.



1 5. Misunderstanding caused by incompetent inter-  
2 pretation.

3 A. Tr. 28,131, 28,225, Ex. 3161.

4 B. Tr. 2,781. (Mr. McManus' objection.)

5 6. Written answer by ARAKI at the Sugamo Prison  
6 to the prosecution's interrogation should be considered  
7 a part of his interrogation record.

8 A. Tr. 28,223, Ex. 3161 (As I felt uneasy of  
9 this situation, I suggested)

10 B. Tr. 2,219, Ex. 188-C (Mr. Hydes said, "We  
11 will bring you a copy of the translation," a part of  
12 record of interrogation on February 11, 1946, which was  
13 not read.)

14 C. Tr. 2,897, Ex. 229 ("All this is written  
15 on the sheet of paper I gave to you"....first page of  
16 exhibit No. 187-E which was not read.)

17 7. The record of interrogation was not the one  
18 ARAKI approved. It was not read for him, his signature  
19 was not requested on it, and it was not made on oath,  
20 and, furthermore, the Japanese was not even stenographed.

21 A. Tr. 28,221-2, Ex. 3161.

22 B. Tr. 14,576, Ex. 1981.

23 8. The most obvious mistake in the record of  
24 interrogation.

25 A. Tr. 28,225-7, Ex. 3161.

1 AA-11.

2 1. ARAKI's speech at the Privy Council meeting  
3 was his explanation against the rumors.

4 A. Tr. 28,580 (In the declaration of the  
5 Commander of the Kwantung Army.)

6 B. Tr. 28,582. (YOSHIZAWA's speech.)

7 III Moves Towards Manchukuoan Independence

8 AA-12.

9 1. It was in January, 1932, that the central  
10 military authorities learned, by the report of Colonel  
11 ITAGAKI, the true state of affairs in Manchuria.

12 A. Tr. 28,144, Ex. 3161.

13 B. Tr. 30,283, Ex. 3316.

14 2. ARAKI carried out personnel shifts to pacify  
15 the excited element of the army. The shift of Colonel  
16 SHIGETO was also done for the same purpose.

17 A. Tr. 28,196, 28,148, Ex. 3161.

18 B. Tr. 1,926 (SHIGEFUJI is same as SHIGETO.)

19 C. Tr. 1,465.

20 D. Summation chapters 63-66.

21  
22 AA-13.

23 1. Independence of Manchukuo was a spontaneous  
24 action on the part of the Manchurian people.

25 A. Tr. 2811-2, Ex. 221.

B. Tr. 19,002.



C. Tr. 30,279, 36,283, Ex. 3316.

D. Tr. 19,264, Ex. 2043.

E. Tr. 22,132, Ex. 2584.

F. Tr. 28,582, Ex. 3174.

G. Tr. 503, Ex. 66.

H. Tr. 19,703, Ex. 2429.

I. Tr. 19,688, Ex. 2425.

J. Summation chapters 105,169.

2. ARAKI conveyed the report of Colonel ITAGAKI to Premier INUKAI.

A. Tr. 28,145, Ex. 3161.

B. Tr. 30279, Ex. 3316.

C. Tr. 19,002.

D. Summation chapter 106.

3. The government, after careful study of the situation, decided to leave alone the question of independence for the sake of maintaining law and order.

A. Tr. 28,582, Ex. 3174.

B. Tr. 28,146, Ex. 3161.

C. Tr. 19,570.

AA-14.

1. ARAKI's answer to the prosecution's interrogation was misinterpreted. He meant "The North-Eastern Administration Committee was established in Manchuria by the Manchurian people to make preparation for

1 independence." Prosecution admits in AA-16 that inde-  
2 pendence declaration was made on February 18th. Then,  
3 it is our submission, it is chronologically wrong to  
4 assume that such appointment was done by the Cabinet in  
5 February or March. It is a question of common sense that  
6 such administrative body should not have been appointed  
7 by Tokyo.

8 A. Tr. 28,225-6, Ex. 3161.

9 B. Tr. 30,279, Ex. 3316.

10 C. Prosecution summation AA-16.

11 AA-15.

12 1. Prosecution, in an endeavor to show the friction  
13 between the Premier and ARAKI, introduced evidence to  
14 allege the discussions between ARAKI and Finance Minister  
15 TAKAHASHI. No evidence was tendered to prove the former.

16 A. Tr. 37,632, Ex. 3769-A.

17 B. Tr. 37,633, Ex. 3770-A.

18 2. TAKAHASHI, when he spoke to ARAKI about Army,  
19 meant the young commissioned officers who were indignant  
20 over the current situations. He merely blamed the  
21 excess of actions on the part of the military police,  
22 acknowledging at the same time that ARAKI did not mean  
23 to do it. He admired ARAKI's spirit and requested that  
24 his spirit would influence the conduct of the military  
25 police.



A. Tr. 37,632, Ex. 3769-A.

1 3. ARAKI did not administer any pressure upon the  
2 speeches and opinions.

3 A. Tr. 37,633, Ex. 3770.

4 B. Tr. 28,395, Ex. 3161.

5 C. Summation chapter 275.

6 IV. Establishment of Manchukuo Independence and Sub-  
7 sequent Economic and Military Moves.

8 AA-16.

9 1. It is quite natural that Japan discussed dip-  
10 lomatic matters with a nation which had declared inde-  
11 pendence. Moreover, the customs were within Japan's  
12 leased territory and it had special relation with Japan.  
13 This was the reason why the cabinet hastily held its  
14 meeting.

15 A. Tr. 2,817, Ex. 222.

16 B. Summation chapter 173.

17 AA-17.

18 1. The government did not admit that it was a  
19 violation of the treaty. It tried to avoid misunder-  
20 standing.

21 A. Tr. 37,599, Ex. 3762.

22 B. Tr. 28,356-7, Ex. 3161.

23 2. Government could not decided whether it should  
24 take the same attitude as Japan took toward the  
25

1 Feng-Chili War. This itself will show that Japan had  
2 not a plan to establish Manchukuo.

3 A. Tr. 37,598, Ex. 3762-A.

4 B. Summation chapter 269.

5 3. Prosecution's evidence shows that the cabinet  
6 meeting was carried over to Saturday, having reached no  
7 decision over the matter. In the summation, the  
8 prosecution cited this evidence as if the decision were  
9 made.

10 A. Tr. 37,598-9, Ex. 3762.

11 AA-18.

12 1. This is the question concerning the admini-  
13 stration of the Kwantung Army, and it has nothing to do  
14 with the situation in Manchuria.

15 A. Tr. 2,836, Ex. 226.

16 B. Summation chapter 177.

17 AA-19.

18 1. Support of the new state was necessary for the  
19 sake of co-existence and co-prosperity.

20 A. Tr. 2,826, Ex. 223.

21 B. Summation chapter 174.

22 2. No army commissioned officer participated in  
23 the May 15 Incident.

24 A. Tr. 28,196, Ex. 3161.

25



1 AA-20.

2 1. We do not see anything unusual in discussion  
3 and coming to terms with the newly established state  
4 with respect to her finance and military matters.

5 A. Tr. 2,838, Ex. 227.

6 B. Tr. 2,831, Ex. 225.

7 C. Tr. 28,151, Ex. 3161.

8 AA-21.

9 1. This is a telegram requesting them to be  
10 cautious in dealing with the problems concerning the  
11 official recognition of the state.

12 A. Tr. 2,846, Ex. 228.

13 B. Summation chapter 179.

14 2. The contents of Mr. Stinson's affidavit do not  
15 relate anything unusual, except that he received a  
16 telegram informing him that the press had telegraphed  
17 the contents of War Minister ARAKI's speech before the  
18 Supreme Military Council, which ordinarily ought to be  
19 kept secret.

20 A. Tr. 10,081, Ex. 1104.

21 3. ARAKI desired to resort to the League of  
22 Nations to settle the matter rather than to rely on  
23 direct negotiations with China.

24 A. Tr. 37,610, Ex. 3765-A.

25 B. Summation chapter 270.

1 4. ARAKI was not an isolationist. (The allegation  
2 was based on the slip of tongue of KONOYE.)

3 A. Tr. 37,614, Ex. 3766-A.

4 B. Tr. 37,615, Ex. 3767-A.

5 C. Summation chapter 270.

6 AA-22.

7 1. State of affairs up to the recognition of  
8 Manchukuo.

9 A. Tr. 28,472.

10 B. Tr. 2,984-8.

11 C. Tr. 28,150-1, Ex. 3161.

12 2. It was not a puppet government.

13 A. Tr. 28,076, Ex. 3158.

14 B. Tr. 17,818.

15 C. Tr. 22,132, Ex. 2584-5.

16 D. Tr. 15,001-8, Ex. 2043.

17 E. Tr. 30,285, Ex. 3316.

18 F. Tr. 19,002.

19 G. Tr. 28,166-9, Ex. 3161.

20 H. Tr. 1,894.

21 I. Summation chapter 168-186.

22  
23 AA-23.

24 1. Study of the question of recognition.

25 A. Tr. 28,582, Ex. 3174.

B. Tr. 2,984, Ex. 241.



1 C. Tr. 28,166, Ex. 3161.

2 D. Tr. 28,356, Ex. 3161.

3 AA-24.

4 1. Exhibit No. 230 was nothing but a tentative  
5 plan of the Kwantung Army.

6 A. Tr. 2,902, Ex. 230.

7 B. Summation chapter 180.

8 AA-25.

9 1. Exhibit No. 227 has no direct relation with  
10 the Army, being a report from the Chief of Staff to the  
11 Vice-Minister of War.

12 A. Tr. 2,844, Ex. 227.

13 B. Summation chapter 178.

14 AA-26.

15 1. The Chicago Tribune reported the hearsay story  
16 of witness Powell.

17 A. Tr. 3,220.

18 B. Tr. 6,698, Ex. 610-A, 611-A.

19 2. There was not a single case of atrocity in the  
20 Manchurian Incident.

21 A. Ex. 57 (Lytton Report, page 109)

22 B. Tr. 9,027.

23 C. Tr. 28,199, Ex. 3161.

24 D. Summation chapter 167.

25

## AA-27.

1. After the recognition of Manchukuo, the communication system was improved and measures were taken to secure law and order.

A. Tr. 2,919, Ex. 231.

B. Summation chapter 181.

## AA-28.

1. The recognition of Manchukuo was at the same time the desire to establish a happy land.

A. Tr. 5,038, Ex. 442.

B. Summation chapter 183.

## AA-29.

1. Japan respected the independency of Manchukuo.

A. Tr. 2,927, Ex. 233.

B. Tr. 2,976, Ex. 241.

C. Tr. 28,166, Ex. 3161.

2. It was the duty of the Army during the course of the Incident to prepare against clandestine activities for disturbance of order by the fifth column.

A. Tr. 37,649, Ex. 3775-B.

B. Summation chapter 279.

## AA-30.

1. Monarchy was decided upon by Manchukuo. Japan merely acceded to her request of making preparations in putting into practice this decision.



A. Tr. 2,933, Ex. 234.

2. Cabinet Councillors were not concerned with the heavy industry plan in Manchukuo.

A. Tr. 28,201, Ex. 3161.

AA-31.

1. The Cabinet Councillor was to terminate the China Incident, and was not in any way concerned in the questions relating to Manchuria.

A. Tr. 28,201, Ex. 3161.

AA-32.

1. Japan did not expand her territory and, therefore, did not violate the security she gave.

A. Tr. 1,808, Ex. 174.

B. Tr. 9,483, Ex. 966.

AA-33.

1. The Minister of War at the time when the Commander of the First Division YANAGAWA is alleged to have always remained in his room was General HAYASHI, not ARAKI, date being September 13, 1934.

A. Tr. 686, Ex. 103.

2. Admiral OKADA knew quite well that ARAKI was not in favor of the opinion of annexing Manchuria.

A. Tr. 1,904.

V. Shanghai Incident.

AA-34-37.

1. The Army did not want to dispatch troops to  
1 Shanghai.
  - 2 A. Tr. 37,618, Ex. 3766-A.
  - 3 B. Tr. 28,140, Ex. 3161.
  - 4 C. Summation chapter 93.
2. Legality of the expedition.
  - 5 A. Tr. 19,561-2, Ex. 2416;
  - 6 Tr. 19,565, Ex. 2417.
  - 7 B. Tr. 19,578, Ex. 2420.
  - 8 C. Tr. 19,586, Ex. 2421.
3. Expedition was made with an intention of  
10 bringing peace.
  - 11 A. Tr. 28,257, 28,271, Ex. 3163-A-B.
4. Hostilities ceased as soon as the enemy retired  
14 to the 20 Kilometer line.
  - 15 A. Tr. 28,138-9, Ex. 3161.
  - 16 B. Tr. 19,572.
  - 17 C. Summation chapter 95-96.
5. Over-all withdrawal of troops.
  - 18 A. Tr. 28,462, Ex. 3168.
  - 19 B. Tr. 28,443, Ex. 3167.
  - 20 C. Tr. 28,140, Ex. 3161.
  - 21 D. Summation chapter 97.
6. China aggravated the situation by propagandiz-  
24 ing that the Chinese troops had won the victory.



A. Ex. 57 (Lytton Report, page 87)

7. Japanese troops maintained discipline and remained within the limited area.

A. Tr. 3,260.

B. Summation chapter 98.

VI. Occupation of Jehol.

AA-38.

1. There was no plan of occupying the Four Eastern Provinces. This question was dealt with under answer to AA-10.

2. There is no evidence to prove that ARAKI stated the details at the cabinet meeting and Privy Council meeting in which this matter was decided.

A. Tr. 28,580, Ex. 3174.

3. The prosecution's record of interrogation contains some reference to the Five Minister Conference, but this was a mistake caused by misinterpretation, the explanation of which is made under answer to AA-10.

A. Tr. 28,225, Ex. 3161.

AA-39-43.

1. Exhibit No. 192-A is a document prepared by China after the cessation of the Pacific War, and we contend that it has no probative value.

A. Tr. 2,269, Ex. 192-A.

B. Summation chapter 132.

2. The fighting in Jehol took place in February, 1933, prior to which there were merely apprehensions against attack.

- A. Ex. 57 (Lytton Report, page 80-81)
- B. Tr. 2,270, Ex. 192-A.
- C. Tr. 19,499, Ex. 2412.
- D. Tr. 28,153, Ex. 3161.

3. Legality of pacification of Jehol.

- A. Ex. 57 (Lytton Report, page 86)
- B. Tr. 32,227, Ex. 3375.
- C. Tr. 19,497, Ex. 2412.
- D. 2,976, Ex. 241.
- E. 37,618, Ex. 3768-A.

4. Difficulties in the pacification campaign.

- A. Tr. 28,461, Ex. 3168.
- B. Tr. 28,154, 28,375, Ex. 3161.
- C. Tr. 19,499, Ex. 2412.
- D. Tr. 37,635, Ex. 3771-A.
- E. Tr. 28,380, Ex. 3165-A.

AA-44.

1. The Manchurian Incident was completely terminated by the Tangku Truce Agreement.

- A. Tr. 28,462, Ex. 3168.
- B. Tr. 2,108.
- C. Tr. 19,027.



46,006

1 D. Summation chapter 135-139.

2 2. There is no relation between the Manchurian  
3 Incident and the China Incident.

4 A. Summation chapter 188-191.

5 VII. Japan's Attitude Toward and Withdrawal from the  
6 League of Nations.

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1 AA-45-50

2 1. When ARAKI became War Minister, the  
3 relations between the League and Japan had already  
4 been considerably aggravated, nevertheless ARAKI  
5 endeavored to improve it by requesting the League to  
6 recognize the actual state of affairs in Manchuria.

7 A. Ex. No. 57 (Lytton Report, pp 10, 12)

8 B. Summation Chapter 140

9  
10 2. At the First Shanghai Incident, ARAKI  
11 accepted the mediation by the Consular Corps.

12 A. T. 19,573, Ex. 2419

13 B. Summation Chapter 96, 141

14  
15 3. Official recognition of Manchukuo was  
16 carried out in accordance with the suggestion of the  
17 the Foreign Office.

18 A. T. 28,150-1, T. 28,166, Ex. 3161

19 B. Summation Chapter 126

20  
21 \$. When MATSUOKA was dispatched to the League  
22 of Nations as Japan's delegate, he was instructed by  
23 the cabinet to take steps not to withdraw from the League.

24 A. T. 28,857, Ex. 3173

25 B. Summation Chapter 146



1           5. When Japan was compelled to withdraw from  
2 the League, ARAKI was of the opinion that Japan should  
3 collaborate with the world on all other matters.

4           A. T. 28,170, Ex. 3161

5           B. Summation Chapter 146

6           6. When the hostilities in Manchuria were  
7 pacified, ARAKI proposed a Far Eastern Peace Conference  
8 to improve and adjust the international relations.

9           A. T. 28,453, Ex. 3161

10          B. T. 28,162, Ex. 3161

11          C. T. 28,462, Ex. 3168

12          D. Summation Chapter 148-150

13           7. ARAKI exerted his best to maintain inter-  
14 national collaboration.

15          A. T. 28,448, Ex. 3166

16          B. T. 3,188, Ex. 148

17          C. T. 28,470

18          D. T. 28,857-8, Ex. 3173

19          E. T. 35,083

20          F. T. 28,188, Ex. 3161

21          G. Summation Chapter 147,154

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AA-51

1 1. Cabinet Councillor was not an institution  
2 to discuss such matters as the invitation to attend the  
3 Brussels Conference, or any other general diplomatic  
4 problems.

5 A. T. 28,201, Ex. 3161

6 B. T. 28,203, Ex. 3161

7 C. Summation Chapter 206

AA-52

9 1. Japan's non-cooperation with the League of  
10 Nations did not mean Japan's abandonment of an attempt  
11 toward peace.

12 A. T. 3,650, Ex. 271

AA-53

14 1. Japan's relation with Manchukuo

15 A. Summation Chapters 222, 223

AA-54

17 1. Internal problems of Manchukuo

18 A. Summation chapter 233

AA-55

19 1. We do not see anything unusual or illegal  
20 in the procedures taken by the government in connection  
21 with opium as stated by the prosecution under this para-  
22  
23  
24  
25



graph. We contend this was a rightful and proper measure  
1 on the part of the government

2 A. T. 4,709, Ex. 381

3 B. Summation Chapter 223-4

4 AA-56

5 1. We contend that the reports by the U.S.  
6 Treasury Attache on the narcotic activities in the  
7 various districts cannot be the proper materials  
8 with which to accuse the responsibility of ARAKI.  
9

10 IX. ARAKI's attitude towards U.S.S.R.

11 AA-57

12 1. Ex. 702 represented the opinion of a part  
13 of the army personnel, with which ARAKI had not been  
14 concerned.  
15

16 A. T. 7,515, Ex. 702

17 B. T. 7,679

18 C. T. 7,633

19 2. Moreover, the contents of this exhibit  
20 were not to advocate a positive war, but to make prepar-  
21 ation against the exigency of war in the future.  
22

23 A. T. 7,632

24 B. T. 28,173, Ex. 3161

25 C. Summation Chapter 231

AA-58

1           1. Ex. 701 is merely an opinion of an Attache,  
2 and we contend that there is nothing unusual for an  
3 attache to make such submission of opinion.

4           A. T. 7,509, Ex. 701

5           B. T. 7,680

6           C. T. 28,173, Ex. 3161

7           D. Summation Chapter 231

AA-59

9           1. Ex. 3766-A and 3767-A will clearly prove  
10 that ARAKI made it a national policy to keep friendly  
11 terms with the U.S.A. and other powers.

12           A. T. 37,614, Ex. 3766-A

13           B. T. 37,616, Ex. 3767-A

14           2. According to Ex. 3766-A, Finance Minister  
15 TAKAHASHI backed ARAKI's emergency policy and encouraged  
16 him that it would take four or five years instead of  
17 two years.

18           A. T. 37,615, Ex. 3766-A

19           3. Japan's armament at that time was extremely  
20 poor.

21           A. T. 28,191, Ex. 3161

22           B. T. 7,531, Ex. 706

23           C. Summation Chapters 245, 246  
24  
25



4. To consider for two years whether or not to attack Soviet Russia means to watch that country, and it does not mean to wage war after two years.

A. T. 37,615, Ex. 3767-A

5. In order to prevent further spreading of communism in the East, ARAKI planned to invite the powers to hold a peace conference so that an agreement might be reached between Soviet Russia that Communism may not be propagandized.

A. T. 37,615, Ex. 3767-A.

6. What ARAKI meant was a total budget for Japan. He said the amount to cope with the development of the country, and it did not mean the military budget alone.

A. T. 37,616, Ex. 3767-A

AA-60

1. ARAKI was not opposed to the non-aggression pact between Soviet Russia, but he considered settlement several pending problems prior to such pact would be necessary to avoid further trouble in the future.

A. T. 28,173-4. Ex. 3161.

telling

t ARAKI was  
the government

Nomonhan Incidents  
which ARAKI was not

161

er 210, 225

responsibility for events

21  
22  
23  
24  
25

1. March 10, 1936 and October 15, 1937.  
when he became Cabinet Councillor, he had no relation  
whatever with the Army or the political circles.

1 4. To consider for two years whether or not  
2 to attack Soviet Russia means to watch that country,  
3 and it does not mean to wage war after two years.

4 A. T. 37,615, Ex. 3767-A

5 5. In order to prevent further spreading of  
6 communism in the East, ARAKI planned to invite the  
7 powers to hold a peace conference so that an agreement  
8 might be reached between Soviet Russia that Communism  
9 may not be propagandized.

10 A. T. 37,615, Ex. 3767-A.

11 6. What ARAKI meant was a total budget for  
12 Japan. He said the amount to cope with the development  
13 of the country, and it did not mean the military budget  
14 alone.

15 A. T. 37,616, Ex. 3767-A

16 AA-60

17 1. ARAKI was not opposed to the non-aggression  
18 pact between Soviet Russia, but he considered settlement  
19 of several pending problems prior to such pact would be  
20 necessary to avoid further trouble in the future.

21 A. T. 28,173-4. Ex. 3161.

22  
23  
24  
25



2. The Soviet's proposal for the non-aggression pact was not made in such a way as would require Japan's formal reply to it.

A. T. 7,720, Ex. 746

B. T. 7,727, Ex. 747

AA-61

1. In Ex. 3775-A, ARAKI said "It cannot be said that there will be no crisis." This is substantially different from the prosecution's allegation that "There will be a crisis." Furthermore, by crisis he meant that international relations would be endangered.

A. T. 37,651, Ex. 3775-A

AA-62

1. We submit witness KOSAKA, the most senior member of the prefectural governors at that time, clearly testified the credibility of witness TAKEBE's testimony.

A. T. 36,980-5, Ex. 3715

B. T. 35,232-3, Ex. 3605

C. Summation Chapter 227

2. War Councillor had nothing to do with operations.

A. T. 672

1 B. T. 28,164, Ex. 3161

2 C. Summation Chapters 193-4

3 AA-63

4 1. Ex. 667, in our submission, is not telling  
5 the truth.

6 A. T. 28,507, Ex. 3170

7  
8 2. Ex. No. 3170 will testify that ARAKI was  
9 opposed to the administrative policies of the government  
10 at that time.

11 A. T. 28,506, Ex. 3170

12 B. Summation Chapter 229

13 3. The Chang-Yu-Feng and Nomonhan Incidents  
14 were mere border troubles, with which ARAKI was not  
15 concerned.

16  
17 A. T. 28,216, Ex. 3161

18 B. Summation Chapter 210, 225

19 X. ARAKI's responsibility for events  
20 in China after 1937.

21 AA-64

22 1. Between March 10, 1936 and October 15, 1937,  
23 when he became Cabinet Councillor, he had no relation  
24 whatever with the Army or the political circles.  
25



1 A. T. 688, Ex. 103

2 B. T. 28,200, Ex. 3161

3 C. Summation Chapter 203

4 2. Premier KONOYE asked ARAKI to become  
5 Cabinet Councillor to ask him to settle the China  
6 Incident.

7 A. T. 28,200, Ex. 3161

8 B. Summation Chapter 206

9 3. The object of Cabinet Councillor

10 A. T. 28,201, Ex. 3161

11 B. Summation Chapter 209

12 4. Organization of the Cabinet Councillor

13 A. T. 28,201, Ex. 3161

14 5. Cabinet Councillor had no authority over  
15 political matters.

16 A. T. 28,410, Ex. 3161

17 6. Evidence shows that ARAKI was against the  
18 occupation of Nanking.

19 A. T. 28,176, Ex. 3161

20 7. ARAKI did not know of the atrocities in  
21 Nanking. There is no evidence to show that ARAKI was  
22 responsible even in the slightest degree for this  
23  
24  
25

1 incident.

2 A. T. 28,407

3 AA-70

4 1. Ex. 2219 and Ex. 2218, in our submission,  
5 are not sufficient to prove the responsibility of a  
6 cabinet minister. These exhibits show the uncertainty,  
7 unreliability and self-contradiction of the record of  
8 interrogation by the prosecution, but what we can, even  
9 vaguely, know from them is (1) to all matters decided  
10 upon at the cabinet meeting all cabinet members are  
11 responsible; (2) cabinet ministers other than members  
12 of Five Ministers Conference were excluded from the dis-  
13 cussion of the China Incident and the important problems  
14 were not discussed at the general cabinet meetings.

15 A. T. 15,841, Ex. 2219

16 B. T. 28,412, Ex. 3161

17 C. T. 15,837-8, Ex. 2218

18 D. Summation Chapter 208, 209

19  
20 2. KONOYE had ARAKI join the cabinet when he  
21 learned that ARAKI as a Cabinet Councillor had no author-  
22 ity or say over cabinet affairs. It is our contention  
23 that if Cabinet Councillor had been so powerful as the  
24 prosecution seems to insist, there were no reasons why  
25 KONOYE should have reshuffled his cabinet to select



1 UGAKI, IKADA and ARAKI from cabinet councillors and  
2 appoint them cabinet ministers.

3 A. T. 688, Ex. 103

4 B. Summation Chapter 208

5 3. KONOYE did not appoint ARAKI a cabinet  
6 councillor and, later, Education Minister because he  
7 considered him an authority on Chinese affairs, but  
8 because he wanted him to display the same ability that  
9 ARAKI showed in terminating the Manchurian Incident in  
10 settling the China Incident.

11 A. T. 28,178, Ex. 3161

12 B. T. 28,201, Ex. 3161

13 4. That ARAKI was opposed to the China Incident  
14 was a matter of common sense among the learned class of  
15 Japanese people. The prosecution's allegation that  
16 ARAKI was an authority on Chinese affairs and that he  
17 knew of the Nanking atrocities is a nonsensical distor-  
18 tion to well-informed people.

19 A. T. 28,506, Ex. 3170

20 B. T. 28,508-9, Ex. 3170  
21  
22  
23  
24  
25

1 5. KONOYE adopted, after his reshuffle of the  
2 cabinet, the Five Minister Conference system, and this  
3 prevented ARAKI from making any suggestion as to the  
4 termination of the China Incident.

5 A. T. 29,204, Ex. 3161

6 B. T. 28,215, Ex. 3161

7 C. T. 28,486-7, Ex. 3169

8 D. T. 28,508, Ex. 3170

9 E. Summation Chapter 209

10 6. ARAKI did not know the Nanking atrocity  
11 case, nor did he have any means of knowing such affairs.  
12 The prosecution's query as to if he had not known of it  
13 by the newspapers is the one which disregarded the current  
14 state of affairs in Japan in those days.

15 A. T. 28,407-8

16 B. T. 28,507-8, Ex. 3170

17  
18 7. The Cabinet Councillor meeting was to be  
19 held once a week. That the attendance to it was com-  
20 pulsory was a misinterpretation. ARAKI only meant that  
21 it was so regulated.

22 A. T. 28,226, Ex. 3161

23 B. Summation Chapter 68, 264  
24  
25



AA-71

1. This was the matter to be taken care of by the Five Ministers Conference. ARAKI was not concerned in it.

A. T. 28,508, Ex. 3170

B. T. 28,486-7, Ex. 3169

C. T. 28,216, Ex. 3161

D. Summation Chapter 209

AA-72

1. ARAKI became Education Minister because it was learned that a Cabinet Councillor had no authority towards settlement of the China Incident. He joined the cabinet together with UGAKI and IKEDA, both of whom were members of the Cabinet Councillors and who were opposed to the China Incident.

A. T. 28,203-4, Ex. 3161

B. Summation, Chapter 208

2. When a nation is at the state of war against another nation, it is not an easy task for any person outside the military authorities to check the fighting, nevertheless, ARAKI accepted this task in accordance with the persistent request of KONOYE. However, his intention was frustrated by the establishment of the Five Ministers Conference.

1 A. T. 28,204, Ex. 3161

2 T. 28,410-2, Ex. 3161

3 T. 28,215, Ex. 3161

4 3. The source of information of ex. 671-A is  
5 quite dubious. The Japan Advertiser based this news on  
6 the report of DOMEI News Agency which obtained it from  
7 unknown source as being the contents of the speech that  
8 ARAKI made at the Osaka Political and Economic Research  
9 Association. The contents of the speech were made al-  
10 most unintelligible during the course of the transmission.

12 A. T. 28,235

13 B. Summation Chapter 228

14 XI. ARAKI's relation with the Western  
15 Powers.

16 AA-73-74

17 1. The Japan-Germany Culture Agreement was  
18 under the jurisdiction of the Foreign Office.

19 A. T. 28,215, Ex. 3161

20 2. The Agreement had no significance other  
21 than culture.

22 A. T. 28,215, Ex. 3161

23 3. ARAKI advocated exchange of culture not  
24 only with Germany and Italy alone, but with all other  
25



1 countries of the world.

2 A. T. 28,488, Ex. 3169

3 AA-75

4 1. The prosecution's quotation from exhibit  
5 2218 omitted the word "usually". What ARAKI answered  
6 was, "The matters of great importance to the foreign  
7 office, the War, Navy and Finance Ministries were  
8 usually not put before the full cabinet meetings," and  
9 we believe this answer is not in contradiction with the  
10 testimony of ARITA.

11 A. T. 15,836, Ex. 2218

12 B. T. 15,837

13 C. T. 28,488, Ex. 3169

14 AA-76

15 1. The Anti-Comintern Pact and the Tripartite  
16 Pact were fundamentally different in their nature. It  
17 is quite clear that ARAKI was opposed to the Tripartite  
18 Pact.  
19

20 A. T. 28,488, Ex. 3169

21 B. T. 28,547, Ex. 3172

22 C. Summation Chapters 254, 255  
23  
24  
25

AA-77

- 1  
2  
3 1. The Cabinet Councillors were not consulted  
4 on those general diplomatic matters.

AA-78.

- 5  
6 1. The Education Minister was not concerned  
7 with the Five Ministers Conference. There is no evidence  
8 to show that ARAKI was exceptionally concerned in it.  
9 ARAKI always advocated friendly terms with Britain, the  
10 United States and other powers.

- 11 A. T. 3,188, Ex. 148  
12 B. T. 28,453-4, Ex. 3766-A  
13 C. T. 28,453-4, Ex. 3166  
14 D. T. 37,615, Ex. 3767-A  
15 E. T. 28,179, Ex. 3161  
16 F. T. 28,191, Ex. 3161  
17 G. T. 15,855

## XII. ARAKI's work as Education Minister.

AA-79

- 20  
21 1. IWAMATSU's testimony clarified that  
22 IWAMATSU and other perfunctories of the Education  
23 Ministry saw that ARAKI as a civilian minister had  
24 acted properly and moderately.

- 25 A. T. 18,541-2, Ex. 2378

B. Summation Chapters 211-213



AA-80

1  
2  
3 1. OUCHI's testimony is to the effect that  
4 the universities in Tokyo made a request at the time  
5 when ARAKI was War Minister that military drill and  
6 lecture should be adopted as part of its curriculum.  
7 He did not say, as the prosecution alleges in its summ-  
8 ation, that ARAKI advocated it.

A. T. 942

9  
10 2. Witness OUCHI further testified that he did  
11 not believe ARAKI was concerned with it

A. T. 964

12  
13 3. He further admitted in the course of cross-  
14 examination that his statement concerning Education  
15 Minister ARAKI was hearsay.

A. T. 979

16  
17  
18 4. OUCHI stated that the military drill was  
19 practiced in 1939, but he did not say that it was so  
20 done during ARAKI's tenure of office. While it is true  
21 that it was practiced from September 1939, ARAKI resigned  
22 from his post in August of that year.

A. T. 963

B. T. 889

1           5. OUCHI is a professor on economics and  
2 finance, and he has a record of having been kept in  
3 detention with a charge of thought, whereas KAIGO is a  
4 specialist of modern educational history. OUCHI made  
5 several corrections of his statements in the course of  
6 the cross-examination but KAIGO never changed his state-  
7 ment, not even under the request that he may be defined  
8 as a hostile witness. This fact speaks for itself as to  
9 the credibility of both witnesses. There is not a  
10 scintilla of evidence to show that while ARAKI was  
11 Education Minister there was a single professor who  
12 was either imprisoned or discharged on account of non-  
13 collaboration.

14           A. T. 946

15           B. T. 902

16           C. Summation Chapters 217, 218

17  
18           6. KAIGO testified that military drill with  
19 rifle in schools started in November 1939. ARAKI was  
20 not Education Minister then.

21           A. T. 890

22           B. Summation Chapter 217

23  
24           7. There is no discrepancy between ARAKI's  
25 statement and that of IWAMATSU. ARAKI referred to the  
spiritual side of the matter, saying that he endeavored



1 to promote the moral standard of the students, whereas  
2 IWANATSU referred to laws and regulations, saying that  
3 no new regulation was issued during ARAKI's tenure of  
4 office.

5 A. T. 28,210-1, Ex. 3161

6 B. T. 18,543, Ex. 2378

7 8. China started military drill in schools from  
8 Spring 1936.

9 A. T. 2,464

10 B. Summation Chapter 221

11 AA-81.

12 1. System of Youth's School education had been  
13 a long pending problem before ARAKI became Education  
14 Minister. It was decided at the Cabinet meeting at  
15 the time when ARAKI was Education Minister and the  
16 matter was transferred for further deliberation to the  
17 Education Council. Upon whose decision the Education  
18 Ministry took necessary routine procedures to make it  
19 a law.  
20

21 A. T. 28,584, Ex. 3175

22 B. T. 28,211, Ex. 3161

23 C. Summation, Chapter 219  
24  
25

1           2. It was a responsible system, not compulsory,  
2 as the prosecution seems to allege.

3           A. T. 28,584-5, Ex. 3175-A

4           B. Summation, Chapter 214.

5  
6           3. The prosecution cross-examined IWAMATSU  
7 on Order of Inspection of Military Training at Youth's  
8 School on 31 November 1938. This question was later  
9 clarified by presenting a document to the prosecution  
10 by IWAMATSU explaining that a part of the above-  
11 mentioned order which had already existed was deleted  
12 on that date, corresponding to the change of Order of  
13 Conscription, in which schools designated to be given  
14 terms of grace were changed. By this document, it was  
15 clarified that ARAKI had not strengthened the military  
16 training in schools. Mr. Brown stated before the  
17 Tribunal that he would inform the Tribunal if he  
18 found anything contrary to our statement. That he has  
19 not done so by this time is, we believe, the best answer.

20  
21           A. T. 36,986.

22           4. ARAKI signed on that Imperial Ordinance,  
23 ex. 739, as one of the cabinet ministers who were to  
24 countersign on all the Imperial Ordinances.  
25



## XIII. Speeches and Writings by ARAKI

AA-82.

We trust the Tribunal has seen, by witnessing the film, that the speech in the "Emergency Period of Japan" did not contain any aggressive meaning.

1. He said to restore peace in the Far East, not to dominate it.

2. He only lamented the lack of true recognition on the part of the League of Nations of the state of affairs of the Far East.

3. ARAKI meant to request the Japanese people to reflect on themselves re their deterioration. He said it was the request from heaven to the Japanese people.

4. Advocacy of a flourishing Japan, is, we contend, nothing unusual for an independent nation.

5. In ARAKI's conclusion of his speech in the "Emergency Period of Japan" he stated: "... and I firmly believe that with Europe and the United States, we can bring about everlasting peace in the whole world."

A. T. 3,188-9, Ex. 148-A

B. Summation of Chapter 29

1 AA-83

2 1. ARAKI's action during the First Shanghai  
3 Incident represents most faithfully his ideal.

4 (1) Commander of the Corps UEDA, at the risk  
5 of operational disadvantages, advised enemy to resort  
6 to peace terms.

7 (2) Cessation of fire was immediately ordered  
8 on the following day, and taking into consideration the  
9 intermediation of the corps of consuls, the Truce Agree-  
10 ment was duly signed.

11 (3) When the Treaty was signed, ARAKI withdrew  
12 the whole of the troops from China. Thus he tried to  
13 prevent the cause of future trouble. It is our sub-  
14 mission that there is not a single point in this action  
15 that deserves censure.

16  
17 A. Summation Chapter 92

18 AA-84

19 1. When ARAKI pointed out the ambiguous border  
20 area in Outer Mongolia, he meant precaution from a  
21 defensive purpose, and it was by no means any aggressive  
22 intention.

23  
24 A. T. 28,174, Ex. 3161  
25



2. ARAKI's statement in the "Address to All Japanese People" as quoted by the prosecution is an advice that he gave to the soldiers at the front. He advocated by this that even in fighting strict morality must be observed.

A. T. 28,364, Ex. 3164

AA-85

1. The affidavit of KISAKA, then governor of Tokyo Prefecture, proved the incredibility of the testimony of TAKEBE, who is still in the custody of Soviet Russia. Also, we trust, SUZUKI's statement supported it.

A. T. 36,980-5, Ex. 3715

B. T. 35,232-3, Ex. 3605

C. Summation Chapter 227

AA-86

1. ARAKI's address given on the 15th Anniversary of the issuance of the Imperial Rescript was a routine work which had been done every year by the chief of the Ministry which was in charge of national spiritual mobilization. It was merely made public by the name of the Minister, although it was written by his subordinates.

A. T. 28,204-5, Ex. 3161

46,030

AA-87

1. We have already explained about the prosecutions mistakes and its subsequent withdrawal of the charge of National Spiritual Mobilization Committee.

A. T. 28,536



1 MR. McMANUS: I shall now go to page 381,  
2 if your Honors please.

3 Chapter 11 CONCLUSION

4 308. General Comments on the Prosecution's  
5 Submissions and Proof against ARAKI.

6 A. As stated above, of the 41 counts charged  
7 by the prosecution against ARAKI, it has attempted  
8 proof of only Count 27 with respect to responsibility  
9 for the execution of the Manchurian Incident. If we  
10 receive the Tribunal's acknowledgment that ARAKI's  
11 part in that Incident was one of merit in ending it  
12 as contended by the defense and not one of responsibility  
13 for its expansion, there is nothing else upon which  
14 to make any charge of responsibility against him.

15 B. The prosecution at first believed that  
16 ARAKI's speech in the motion picture film "Japan in  
17 Emergency" was strong evidence to support the charge  
18 of common conspiracy, but I am sure, the Court completely  
19 understands that the speech contains nothing of an  
20 aggressive nature after having seen the film projected  
21 on the screen. Furthermore, it also became clear  
22 that what was said in the prosecution's interrogatory  
23 about a plan of occupation of the Four Eastern Provinces  
24 being adopted immediately after ARAKI's assumption of  
25 office as War Minister was not that, but the fixing

1 of a limit on the area of military operations by the  
2 INUKAI Cabinet for the purpose of terminating the  
3 incident, something fundamentally different from a  
4 plan of occupation.

5 C. The suspicion that ARAKI as a leader  
6 of the militarists and as a big power behind the TOJO  
7 Cabinet was a propelling force for aggressive war  
8 up to the Pacific War has been shown to be based on  
9 a complete misunderstanding and it was made clear  
10 that General ARAKI who won high praise from Japanese  
11 and foreigners for skillfully putting an end to the  
12 Manchurian Incident and thus preventing a general war  
13 between China and Japan over 15 years ago completely  
14 severed connections with the army immediately after  
15 the February 26th Incident in 1936.

16 D. It has also become clear that ARAKI  
17 became Education Minister not for the purpose of  
18 strengthening military education but in accordance  
19 with the desire of Prime Minister KONOYE that he help  
20 bring the China Incident to a settlement just as he  
21 had the Manchurian Incident before by restraining the  
22 army; that the compulsory system of the Youth Schools  
23 had already been decided by the cabinet during the  
24 tenure of his successor and that the Education Ministry  
25 did no more than dispose of the steps to be taken as a



1 business routine in accordance with the recommendations  
2 of the Education Council; and that the compulsory  
3 system of Youth Schools was instituted for the purpose  
4 of effecting equality in education and not, as the  
5 prosecution erroneously claims, as a preliminary step  
6 for the strengthening of military education.

7 E. It was also made clear to the Tribunal  
8 that since he realized after the inception of the  
9 Five Ministers Conference that any minister not among  
10 the five could not have been of any assistance with  
11 regard to settling the China Incident, ARAKI retired  
12 completely from political life. This has been shown  
13 by the fact that he declined to become Home Minister  
14 in the YONAI Cabinet and at the time of the 2nd KONOYE  
15 Cabinet he had a heated argument with Prince KONOYE  
16 because of his opposition to the conclusion of the  
17 Tripartite Alliance and the establishment of the  
18 Imperial Rule Assistance Association at which time he  
19 not only declined the request to become a Cabinet  
20 Councillor, but even broke off intercourse with the  
21 Prince.

22 Thus all misapprehensions on the part of the  
23 prosecution were dispelled.

24 309. The Difficult Problems of ARAKI to  
25 Advocate Peace and Humanitarianism.

1           A. The problems of modern Japan in the realm  
2 of thought and politics were not easy. After World  
3 War I leftist movements became active and, at the  
4 same time, as a reaction against them fascist thought  
5 raised its head. Society was already crowded with  
6 the "democratic intelligentsia" who mistook slovenliness  
7 for freedom. All this confusion caused a disorderly  
8 three-way struggle. The domestic confusion became  
9 almost fatal to Japan as the Manchurian Incident  
10 became aggravated because of the lack of order in  
11 China and lack of understanding by the Powers.

12           B. ARAKI confronted this difficult situation  
13 when he assumed the War Ministership. In assuming  
14 his office he realized that one of the roads to quell  
15 the confusion within the country and to terminate the  
16 disturbance in Manchuria lay in having the Japanese  
17 people to become conscious of original and traditional  
18 spirit of Japan, namely, his idea of KODO. In other  
19 words, if he believed that if an understanding of the  
20 virtue of benevolence of the Imperial House could  
21 have been awakened in the confused minds of the  
22 Japanese people their feeling could be stabilized,  
23 and contempt on the part of foreign countries eliminated.  
24

25           C. On the basis of this belief, ARAKI

1. T. 28,188.



1 explained to the people in general and urged them to  
2 return to the spirit of Japan and to respond to the  
3 virtue of the Imperial House and contribute to world  
4 pleasure. To the officers and men of the army he advised  
5 them to be the Emperor's Army which is the guardian of  
6 the Emperor's virtue of benevolence that is, to be  
7 such soldiers that when they would win they should  
8 not be hated by the enemy and when they were stationed  
9 they should aim for the friendship of the people. This  
10 is exactly as set forth in detail in the address in  
11 the talking film, prosecution Exhibit No. 148.  
12 Moreover, with regard to the excited elements within  
13 the army he forcefully carried out personnel purges  
14 while as to army forces in the field outside of the  
15 country he demanded the strictest discipline. At the  
16 time of the Shanghai Incident, he had every single  
17 soldier withdrawn as soon as the troops which had been  
18 sent had carried out the assignment for which they  
19 had been dispatched. At the time of the pacification  
20 of Jehol he ordered the strictest observance of the  
21 Great Wall line and did not permit the crossing thereof  
22 regardless of any challenge from the opposing side.  
23 Thus exactly as he believed and assured he brought about  
24 the settlement of the Manchurian Incident.  
25

(1) Is there any instance, if the Tribunal

1 pleases, of an armed disturbance which occurred  
2 during the period covered by the Indictment being  
3 stopped other than that at the time when ARAKI was  
4 War Minister?

5 (2) Is there any instance of immediate with-  
6 drawal of troops from an area of military operations  
7 except that at the time of War Minister ARAKI?

8 (3) Were there any troops which engaged  
9 in action during the tenure of War Minister ARAKI  
10 who committed atrocities?

11 The foregoing constitute the features of  
12 ARAKI's time and we respectfully request the judgment  
13 of the Tribunal after due consideration whether  
14 ARAKI's activities were aggressive or not, whether  
15 he trampled upon international law or not, and whether  
16 he ran counter to humanity or not.

17 D. Because he resigned as War Minister on  
18 23 January 1934, because of illness, he was unable  
19 to carry on his movement to convene a Far Eastern Peace  
20 Conference which he had been considering for the  
21 purpose of adjusting diplomatic relations ever since  
22 the conclusion of the Tangku Truce. Domestically he  
23 was under attack by fascist elements and he finally  
24 and completely broke relations with the army in March  
25 1936. It is our firm belief that this very break of



1 ARAKI's from the army was the turning point in the  
2 army's drift toward a tragic fate.

3 E. However, even after that he continued his  
4 peace movement as a non-military man. After becoming  
5 Education Minister at the behest of Prime Minister  
6 KONOYE his teachings to practice the Imperial virtue  
7 of benevolence and his contributions to world peace  
8 were continued. Sad though he was that by being  
9 Education Minister he could not help settle the China  
10 Incident as desired by Prime Minister KONOYE, he  
11 nevertheless urged the people to self-reflect by  
12 contributing an article addressed to Chiang Kai-shek  
13 and to the Japanese people in the Bungei Shunju  
14 magazine, and, opposing the capture of Nanking, he  
15 published in the newspaper a famous poem in which  
16 grief is expressed over brethren fighting, manifesting  
17 his sorrow over the hostilities between China and Japan.<sup>1</sup>  
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1 F. That ARAKI was unfortunately indicted by  
2 the prosecution, notwithstanding these facts, was a  
3 matter of deep regret to him. As the Tribunal will  
4 probably recall, ARAKI, when he was asked to plead  
5 at the time of the arraignment on 6 May 1946, stated  
6 that he wished to have his counsel reply as had been  
7 arranged, to which the President demanded that he  
8 himself make his plea. ARAKI stood up quietly and  
9 declared, "I have generally glanced through the  
10 Indictment, but the charges of crimes against peace  
11 and crimes against humanity which are found in the  
12 first part mean divesting ARAKI of all the pride of  
13 his seventy years of life. I absolutely cannot  
14 acquiesce." Suddenly in this brief instant, in a  
15 voice expressing his innermost convictions, he thus  
16 manifested his complete dissatisfaction to being  
17 tried for crimes against peace and humanity. What he  
18 meant was that it was for these very things, for  
19 peace and humanity, that he had labored during his  
20 seventy years of life, that even though he may have  
21 been mistaken, he could not but feel the strongest  
22 dissatisfaction that he should be indicted, even in  
23 the slightest degree, for crimes against peace and  
24 humanity and therefore he absolutely could not submit  
25 and expressed his complete innocence. What a person



exclaims in a sudden instant usually is the truth.  
1 We believe that of all things this brief statement by  
2 ARAKI surpasses all evidence offered in his behalf  
3 and that this will surely appeal to the human senti-  
4 ments of this honorable Tribunal.

5 G. The misunderstanding that ARAKI was a  
6 militarist arises from the misunderstanding of the  
7 Kodo philosophy which he cherished. It is because  
8 of ignorance of the fact that the true essence of  
9 Kodo is found in the spirit of yamato (Japan), in  
10 benevolence, in liberty and in equality that the  
11 hasty judgment is passed that those who advocate  
12 Kodo are narrow-minded nationalists or dictatorial  
13 imperialists. This does not apply only to the prose-  
14 cution but also to quite a number of Japanese.

15 In fact, there was even one witness who  
16 testified before this Tribunal that the Allied  
17 General Headquarters had banned the words hakko  
18 ichiu and this is proof that the true teachings of  
19 Japan are not understood.

20 Frankly speaking, there were among ARAKI's  
21 intimate friends quite a number who expressed the  
22 desire that such matters as Kodo, the fundamental  
23 policy of the State, and the Japanese spirit not be  
24 touched upon in offering his defense before the  
25

1 Tribunal because they were liable to invite misunder-  
2 standing and therefore would tend to be unfavorable  
3 to him. Thereupon, after careful consideration, we,  
4 Mr. SUGAWARA, Mr. HASUOKA, and myself, consulted  
5 ARAKI himself and he said:

6 Now, if your Honors please, I can quote  
7 what General ARAKI told me and told Mr. SUGAWARA.  
8 I don't know whether your Honors will consider this as  
9 an addition to his affidavit, whether you want it in  
10 the summation, whether I might present it now as  
11 additional thoughts pertaining to his state of mind,  
12 or whether you want ARAKI himself to tell you in these  
13 two pages what he told us.

14 THE PRESIDENT: ARAKI had the option under  
15 the charter of appearing personally, that is, of defend-  
16 ing himself or of defending himself by counsel. He  
17 decided to employ counsel. You are the counsel. You  
18 must put his case. He cannot now come to the lectern  
19 or even remain in the dock and address us.

20 MR. McMANUS: May I continue, your Honor?

21 THE PRESIDENT: Yes. We are going on to what  
22 page now?

23 MR. McMANUS: If your Honor pleases, I just  
24 finished 389, and I should like to state in conclusion  
25 what ARAKI said to us, even though it might not



1 specifically refer to any particular document in the  
2 record. But it is the conclusion and it is argument,  
3 and if permitted I should like to say it so that the  
4 Court can determine his ideas or they can disregard  
5 them, as they please. I ask the Court to please permit  
6 me to continue reading.

7 THE PRESIDENT: Your summation, like every  
8 other summation, must be confined to submissions of  
9 law and submissions of fact supported by evidence.  
10 Permission is refused.

11 MR. McMANUS: If your Honors please, I under-  
12 stand the point is --

13 THE PRESIDENT: The Court is unanimous on  
14 that, Mr. McManus. I consulted them this morning.  
15 They are unanimous.

16 MR. McMANUS: If your Honors please, I shall  
17 omit the conversation had with ARAKI, but nevertheless  
18 I must take issue with the Court on this point, and I  
19 ask your Honors to bear with me. In summation some  
20 leeway should be given for argument, for analysis, so  
21 that possibly your Honors can at least take one view  
22 or another, not a set view.

23 THE PRESIDENT: This is not law and it is not  
24 argument on facts, and it is not a statement of fact  
25 based on evidence. It is beyond what a summation should

be and therefore you cannot read it.

1           MR. McMANUS: I shall proceed, then, to  
2 page 392, if your Honors please.

3           THE PRESIDENT: It is pointed out to me that  
4 at least two Judges think you might read it. I was  
5 wrong in saying we were unanimous. That is the im-  
6 pression I formed when I consulted my colleagues --  
7 that we were unanimous. At least nine Judges are  
8 against you.  
9

10           MR. McMANUS: Well, in view of the disposition  
11 of the Court, I shall proceed to page 392.

12           We pray that the Tribunal will accurately  
13 understand the intrinsic value of Japanese culture  
14 which the accused ARAKI is staking his life to have  
15 understood and appreciated without confusing the  
16 essence of the peaceful past history of the Japanese  
17 people and the result of the late war, and with such  
18 understanding pass upon the case of this accused.

19           310. ARAKI often used the expression sekai-  
20 teki Nippon, which means "Japan on a world standard."  
21 This is an expression which is the exact opposite of  
22 Nippon-teki sekai, which means "World on a Japanese  
23 standard," coined by narrow-minded rightists.

24           THE PRESIDENT: This is not in evidence, as  
25 far as I know.



1 MR. McMANUS: ARAKI always urged self-reali-  
2 zation on the part of the Japanese people, that culti-  
3 vation of individual culture and refinement begins  
4 with personal struggle and effort and by serving others  
5 by one's own sacrifices, that government rested upon  
6 respect of the laws of nature, that is, to permit all  
7 things to have each its proper and rightful place in  
8 the scheme of things, and that this was the spirit of  
9 Kodo.

10 ARAKI states, paragraph 14 C of his affidavit: 1

11 "I am not a so-called pro-Anglo-Saxon, nor  
12 am I, of course, anti-Anglo-Saxon... Moreover, I am  
13 of the opinion of obeying His Majesty the Emperor and  
14 bringing about peace and welfare upon the basis of the  
15 original doctrine of Japan. I believe so and I have prac-  
16 tised so. This was not an opinion formed from so-  
17 called divine inspiration or from dogmatic ultra-  
18 nationalism. On the contrary, I trust that it is a  
19 most humane principle agreeable to the world's omni-  
20 present natural law."

21 He states further: 2

22 "Primarily my views of peace or views of life  
23 do not admit of territorial expansion. Amalgamation  
24 of a nation which had its own race and history was one  
25

1. Ex. 3161, tr. 28,179

2. Tr. 28,188 - 28,189

1 thing I definitely rejected... That was why I objected  
2 to the amalgamation of Korea... Such having been my  
3 views, I can clearly declare that never in my life  
4 have I entertained an idea of aggression, to say  
5 nothing of world domination. If I am allowed to ex-  
6 press my views, such ambition as territorial ex-  
7 pansion is nothing but an infantile glory which is  
8 far from permanent glory. With regard to Manchuria.  
9 I accepted the post of War Minister when Manchuria  
10 was in a turmoil of disturbances. My whole-hearted  
11 attention was devoted to nothing but terminating the  
12 hostilities."

13 Members of the Tribunal, even among the Jap-  
14 anese people there were those who, without knowing the  
15 true essence of KODO, distorted the term and used it  
16 as meaning aggression. But this is not the fault of  
17 this philosophy. Ignorant opportunists truckling  
18 with the general trend spoke of it to suit their own  
19 convenience and blasphemed against it. Is not the  
20 peaceful and humanitarian philosophy in which the  
21 accused ARAKI strongly believes something that is  
22 immutable and does it not transcend time and place?  
23 Is not this a philosophy which would rebuild a peace-  
24 ful Japan and contribute to world peace? We fervent-  
25 ly request the wise judgment of this Tribunal.



1           One point which I personally deem very  
2 necessary to call to this Tribunal's attention is a  
3 question put to the accused ARAKI while he was on the  
4 witness stand. With all due respect to this Court and  
5 with the knowledge it is doing its utmost to be emin-  
6 ently fair, it is my contention that the following  
7 question was a grave mistake and might very well lead  
8 to a serious miscarriage of justice.

9           Question: "Were you arrested for espionage  
10 in middle Asia in April, 1912, by the Russian Secret  
11 Service Agents?"

12           Of course the accused ARAKI's answer was:  
13 "I was not arrested."<sup>1</sup>

14           In any important trial where a man's life  
15 is at stake if such a question is put to an accused  
16 by a prosecutor and the accused's answer is "No," the  
17 prosecutor at some time during that trial must offer  
18 some evidence to justify himself for putting such a  
19 question to the accused. If he does not do so, this  
20 particular point will be held against him and the  
21 judge himself must give these instructions to a jury,  
22 as such a question is an inflammatory one and would  
23 very easily sway that jury against that accused.  
24

25           Now, as the Tribunal is acting in a dual  
capacity as judge and jury, I see no reason why this

1 matter should not be called to the Tribunal's atten-  
2 tion at this time.

3 As the accused's answer was "No," the matter  
4 was dropped immediately; nevertheless, the inference  
5 on the record still remains as a detrimental one  
6 towards this accused.

7 If, of course, the answer was "Yes," as it  
8 very well appears that this might have been the gamble  
9 that the questioner was depending upon, then the  
10 Tribunal could very well have continued its question-  
11 ing concerning such an episode. But as the answer  
12 was "No," it is not sufficient to say, "Let us drop  
13 it. Let us forget about it." We insist that this  
14 matter should be carefully considered by this Tribunal  
15 so as to determine whether or not it was an endeavor  
16 to create an unfavorable inference.

17 Furthermore, in asking this question, the  
18 Court stated: "They relate to a period before that  
19 covered by the Indictment, but it is claimed they go  
20 to the character of the witness."<sup>1</sup>

21 When the witness answered "No" and the Court  
22 upon returning from recess stated: "The question and  
23 answer or part answer thereto put to this witness just  
24 before we adjourned will not be considered..."<sup>2</sup> it  
25 nevertheless continued with another question, to wit:

1. Tr. 28,419  
2. Tr. 28,420



"Do you know anything about the Japanese plan Otsu?"

1           Nor, as the Court just before asking these  
2 questions used the plural, we must assume that the  
3 latter question was also asked for the same purpose,  
4 i.e., to find out about the character of the witness.

5           It is now our contention that at this stage  
6 the Court itself opened the door into the character  
7 of ARAKI and that the Court erred in its refusal to  
8 accept character evidence for this accused.

9           We beseech the Tribunal at this time to recti-  
10 fy this alleged mistake and to graciously reconsider  
11 the defense documents of Major General F. S. G. Piggott,  
12 Sir Francis C. Lindley, and Malcolm D. Kennedy, <sup>1</sup> attached  
13 as an appendix to this summation, in the interest of  
14 a fair and just trial for this accused.

15           Now, if your Honors further please, from the  
16 foregoing it is quite evident that the prosecution  
17 contends that because the accused ARAKI just happened  
18 to be a general in the army it goes without saying  
19 that he must have been belligerent, aggressive, har-  
20 boring ideas of world domination, and furthermore,  
21 ardently in love with the intricacies of warfare, and  
22 must have been a supreme advocate of war itself. The  
23

24 1. Def. doc. 573, def. doc. 340; def. doc. 573-B,  
25 340-B; def. doc. 339; def. doc. 356; def. doc. 638

1 prosecution would very much like this Tribunal to be-  
2 lieve this fantastic conclusion.

3 I am sure that the Court as a whole has come  
4 to the conclusion that ARAKI in his speeches and writ-  
5 ings was one who advocated Kodo, the Imperial Way,  
6 spiritual and moral theories. Nevertheless, I ask the  
7 Court this question: Is it inconceivable to believe  
8 that because ARAKI was a general in the Japanese Army  
9 he could not abhor war, aggression, belligerence,  
10 extra-territorial ambitions, personal ambition and  
11 confine himself to the spiritual and moral aspect of  
12 the people of a nation? Well, just perchance, if it  
13 is inconceivable, let us for the sake of argument alone  
14 take possibly someone who might be presently in the  
15 same high position as ARAKI was in 1931 and 1932.  
16 Suppose for the sake of this argument we take the  
17 Supreme Commander himself, General MacArthur. Let us  
18 look back a few years to see what he had to say as a  
19 general in the army about the ideas of military men  
20 and his conception of their ideas and particularly  
21 his own about war.

22 THE PRESIDENT: This is not in evidence.

23 MR. McMANUS: It is argument, your Honor.

24 It is an analogy.

25 THE PRESIDENT: No, it is not.



1 MR. McMANUS: And in so far as your Honors are  
2 not only Judges but jurors also, and you must decide  
3 the fate of these men --

4 THE PRESIDENT: We are bound by the evidence  
5 as jurors. We excluded this type of thing in the case  
6 of the accused TOJO during the evidence for him. At  
7 least Mr. Blewett endeavored to get in something of  
8 this kind and the Court disallowed it.

9 MR. McMANUS: Well, if your Honors please,  
10 I can't say anything other than that it is argument  
11 and I ask your Honors to take it. I ask you to per-  
12 mit it to be used for the purpose of determining --  
13 It is argument and you can disregard it if you wish.  
14 It is an apology. After all, the man in the dock should  
15 be judged by a jury of their peers and not, as your  
16 Honor possibly says, as judges only.

17 THE PRESIDENT: "Peers" is not the appropriate  
18 word in the circumstances. You are trying to get in  
19 statements of fact that are not evidence. You know  
20 it is wrong, and yet you are persisting.

21 MR. McMANUS: Well, if your Honors feel that  
22 way, I shall omit any such statements. I only made  
23 such an attempt thinking I would be granted some lee-  
24 way in my conclusion. I shall continue from page 400,  
25 if your Honors please:

1           Now, in conclusion, if your Honors please,  
2 I am sure that every one of you members of this  
3 Tribunal understand that my sole purpose in coming  
4 to Japan was certainly not to free an archcriminal.  
5 Frankly speaking, if that were so I can assure every  
6 one of you that I would not be here and I hope and  
7 know that you believe me. My purpose in defending  
8 General ARAKI is not only to present the facts but to  
9 do it in a fair and square manner which I think and  
10 hope that I have done. Your Honors have said on many  
11 occasions that you are not jurors but judges, never-  
12 theless, as I dared to point out to this Tribunal on  
13 one occasion that your Honors are acting in a dual  
14 capacity of judges and jurors. I still know and am  
15 of that opinion that your Honors and your Honors  
16 alone are the men to decide the fate of these accused.

17           Now, for the moment, considering your Honors  
18 as the jurors, my job is finished. The responsibility  
19 that I had during the course of this trial now shifts  
20 from me to you. I know from my experience here during  
21 the past two years that this Court will do everything  
22 in its power to be eminently fair. I only ask you to  
23 consider the evidence very carefully which, of course,  
24 I know you all will do, and further, in view of my  
25 personal experiences in this Tribunal, I know that



1 wherever there is the slightest doubt as to the guilt  
2 of the accused ARAKI, you will give him the benefit  
3 of that doubt.

4 It is my contention that ARAKI is innocent.  
5 I hope and pray that your Honors will come to the  
6 same conclusion.

7 I humbly ask your Honors to return this man  
8 who, in the waning years of his life, has spent these  
9 past several years in prison, to the society to which  
10 he rightfully belongs, and I sincerely beg your Honors  
11 to acquit him.

12 THE PRESIDENT: You have some appendices,  
13 Mr. McManus. What do you propose to do with them?

14 MR. McMANUS: I beg your Honor's pardon?

15 THE PRESIDENT: You have a number of appen-  
16 dices here.

17 MR. McMANUS: If your Honor please, I laid  
18 the foundation for your Honors to please read those  
19 documents. I do not intend to read them. They are  
20 rejected documents. There are four or five rejected  
21 documents. I laid the foundation. It is your Honors'  
22 choice whether you care to read them or not.

23 THE PRESIDENT: They will not be included  
24 in the transcript.  
25

Mr. Caudle.

1 MR. CAUDLE: Mr. President, with the permission  
2 of the Tribunal I will proceed in presenting the sum-  
3 mation of the accused SHIRATORI.

4 Division I - GENERAL.

5 The defendant SHIRATORI is indicted on Counts  
6 1-17, 27-32, 34 and 44; that is to say, he is indicted  
7 only on counts common to all the accused in the present  
8 case. It may, therefore, be said that the gravamen of  
9 the charge against him is his alleged involvement in  
10 a conspiracy or conspiracies which the prosecution  
11 contends existed during the period from January 1,  
12 1928 to September 2, 1945. Relying upon all the evi-  
13 dence adduced, and arguments advanced by the defense  
14 in the general phase, we have refrained from any legal  
15 argumentation for SHIRATORI in this regard, for such  
16 an effort would, after all, be of little avail if, in  
17 spite of all that the defense counsel have said and  
18 done in the general phase, the theory of conspiracy  
19 in all the implications read into it by the prosecu-  
20 tion were to be adopted in this trial. It would  
21 suffice to submit respectfully that granting there  
22 had existed some kind of a common plan among some  
23 persons at some stages during the period specified in  
24 the Indictment, the proofs produced not only by the  
25 defense but by the prosecution, go to show the absence



1 on the part of SHIRATORI of any criminal intent, a  
2 factor which may be regarded as essential in any legal  
3 conception of conspiracy.

4 Since it seems that in charging SHIRATORI  
5 with conspiracy, the prosecution attach special impor-  
6 tance to Count 5,<sup>1.</sup> we have endeavored to try and  
7 exculpate him more in detail on this than on Counts  
8 1-4. In Counts 6-17, SHIRATORI is charged with plan-  
9 ning and preparing a war of aggression, etc., against  
10 the prosecuting countries, while Counts 27-32 and 34  
11 accuse him of waging such a war against those nations.  
12 Apart from the question of conspiracy, we have tried  
13 to counter these charges mainly by producing evidence  
14 of the nature and character of the positions he held  
15 under the Government all that period.

16 The prosecution state in their summation of  
17 SHIRATORI's case (UU-18) that "either by reason of  
18 misapprehension of the Indictment or because of the  
19 absence of any exculpatory evidence," SHIRATORI's  
20 defense attempted in general to plead the private  
21 character of his conspiratorial acts, but that  
22 SHIRATORI was not indicted as Minister to Sweden or  
23 as Ambassador to Italy or as Foreign Office Advisor  
24 or in any other official capacity." (UU-18). We have,  
25 1. Tr. 16924.

1 of course, no quarrel with the prosecution's conten-  
2 tion that SHIRATORI stands indicted as an individual  
3 charged with certain enumerated crimes and must answer  
4 for his actions as an individual." (UU-18) We would  
5 like to submit, however, that in determining the  
6 criminality of any actions by an individual, it is  
7 of vital importance first to consider the harm done  
8 or the evil effect brought about by such action, and  
9 that in this respect it makes all the difference in  
10 the world whether anything said or done by an individual  
11 was official or unofficial in character, or whether he  
12 was then acting in his official or unofficial capacity.  
13 And further in this regard, if no difference existed  
14 between the statements of a person acting in an official  
15 capacity and those of a person acting as an individual,  
16 then every editorial writer on papers in all democ-  
17 racies would be subject to indictment on a similar  
18 charge. One of the most notable bulwarks of all  
19 democracies is the freedom of expression and we con-  
20 tend that SHIRATORI, as an individual, certainly had  
21 that right.

22 In this connection, we desire to refer to  
23 Appendix E of the Indictment, which says: "The state-  
24 ments hereafter set forth following the name of each  
25 individual defendant constitute matters upon which



1 the prosecution will rely inter alia as establishing  
2 the individual responsibility of the defendants,"  
3 and that it is mentioned under SHIRATORI's name that  
4 he was, between 1928 and 1945: Chief of the Informa-  
5 tion Bureau (1930); Minister to Sweden, etc. (1936);  
6 Ambassador to Italy (1939); Advisor, Foreign Office  
7 (1940); Director I.R.A.P.S. (1943); author of an  
8 article in "Contemporary Japan" pointing out the  
9 necessity of a world conflict to establish the "New  
10 Order in Asia" (April 16, 1941). For reasons best  
11 known to themselves, the prosecution did not produce  
12 in evidence the magazine article here cited.

13 If the Tribunal please, I learned from  
14 Mr. Sandusky that they did include it in another  
15 group of articles. I just learned that; but it was  
16 not introduced in the same manner referred to in the  
17 Indictment.

18 In view of the above, it was but natural that  
19 the defense for SHIRATORI should have concentrated on  
20 these positions held by him on which the prosecution  
21 said they would mainly rely in fixing SHIRATORI's  
22 responsibility. They now come out, however, with a  
23 new theory and try to assess the responsibility of  
24 each individual according to the position he occupied  
25 or the part he played in the formulation or adoption

of policies by the Japanese Government. (K-5)

1 Whether the Tribunal will be pleased to accept this  
2 thesis or otherwise, we are satisfied that in effect  
3 this new definition would make little difference in  
4 so far as the proofs tendered and arguments set  
5 forth by SHIRATORI's defense are concerned. None of  
6 the positions he held during the period of the Indict-  
7 ment carried with it any policy-making authority.  
8 That point seems to be admitted by the prosecution  
9 both in their general and SHIRATORI summations. They  
10 state in the general summation (K-4) that: "OSHIMA  
11 and SHIRATORI have not been charged with any aggres-  
12 sive acts committed or statements made prior to the  
13 time they became formulators of national policy."  
14 They further make it clear (K-5) that SHIRATORI has  
15 been charged solely because he ceased to be "conduit  
16 and spearheaded the movement to bring Japan into the  
17 Axis partnership in crime." (K-4) Thus they place  
18 SHIRATORI in what they call the third category of  
19 defendants (K-5), whom they define as "those defend-  
20 ants who, although they had no duty or responsibility  
21 fixed by the law of Japan, have by their acts and  
22 statements placed themselves on the policy-making  
23 level and are therefore chargeable with responsibility  
24 in fact."  
25



1 We expect to enter into discussion on this  
2 point in detail in later chapters of our summation.  
3 Before doing so, we should like to dwell upon several  
4 questions which have important bearings on the con-  
5 struction to be placed on the acts and statements  
6 cited by the prosecution as reasons for their main  
7 charge against SHIRATORI.

8 THE PRESIDENT: We will recess for fifteen  
9 minutes.

10 (Whereupon, at 1045, a recess was  
11 taken until 1100, after which the proceedings  
12 were resumed as follows:)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Caudle.

4 MR. CAUDLE: I will resume reading at the  
5 middle of page 6.

6 1. The prosecution have, both in their  
7 rebuttal and summation, persistently attempted to  
8 insinuate that SHIRATORI was a favorite of the so-  
9 called Military Clique ever since the Manchurian  
10 Affair, and that he, in turn, was a friend of theirs  
11 and tried to cover up their unlawful activities.  
12 Contrary to the prosecution's assertion that he  
13 himself admitted "he was in favor with the military,"  
14 (UU-6) SHIRATORI's interrogatory at Sugamo clearly  
15 shows that he explicitly denied being a friend of  
16 the military or a favorite of theirs. If the prosecu-  
17 tion had raised this point earlier, we could have made  
18 an ample excerpt from the said interrogatory. As it  
19 is, we must rest satisfied with submitting that if  
20 he had really been a favorite of the military, which  
21 the prosecution consider to have been dominant in  
22 Japan, SHIRATORI ought certainly to have cut a much  
23 more distinguished figure in the latter half of his  
24 official career. As shown by SHIRATORI's personal  
25 history, (2) up until the Manchurian Incident, his

(2. Ex. 125 and Ex. 3575)



1 career as a diplomat was a rather promising one, for  
2 he was always assigned first rate posts and his  
3 promotion was very rapid until his appointment as  
4 Chief of the Information Bureau under Baron SHIDEHARA.  
5 The Manchurian Incident and the consequent downfall  
6 of the so-called SHIDEHARA diplomacy, however, very  
7 adversely affected SHIRATORI's official career and  
8 personal life. He was compelled to accept posts he  
9 did not like and was often and for long periods  
10 placed on the waiting list, which shut him out from  
11 all activities in the service of his country except  
12 as a private individual, either as a writer, lecturer  
13 or commentator. This highest position to which he  
14 was ever raised was that of Ambassador to Italy, at  
15 best a second rate ambassadorial post in Japan's  
16 diplomatic service. He was sometimes mentioned by  
17 newspapers as a possible candidate for the Portfolio  
18 of Foreign Affairs, but was never once given any  
19 ministerial position in any of the numerous cabinets  
20 of Japan since 1931. And this was in spite of the  
21 prosecution's assertion that besides always enjoying  
22 full support of the Army, SHIRATORI had Prince KONOYE  
23 as his political patron, a contention which is also  
24 based on very meager evidence and is not quite in  
25 keeping with reality. The prosecution state (UU-78)

1 that SHIRATORI was raised to the position of Adviser  
2 to the Foreign Minister and that this position carried  
3 Shin-nin rank, which was the highest in official  
4 hierarchy. That is entirely wrong. Though on the  
5 waiting list, SHIRATORI was then still an Ambassador  
6 of Shin-nin rank, while an Adviser was a Shin-nin  
7 Taigu, or a quasi-Shin-nin, so that his appointment<sup>(3)</sup>  
8 to advisership was not a promotion but a demotion,  
9 Moreover, the adviser was removable by the Minister  
10 at his will and had in any event to resign along with  
11 the latter, should such be brought about.

12 2. While stating, as mentioned before (K-4)  
13 that SHIRATORI has not been charged for any aggressive  
14 acts committed or statements made prior to his appoint-  
15 ment as Ambassador to Italy when he volunteered to  
16 become a formulator of national policy, the prosecu-  
17 tion nevertheless charge that SHIRATORI joined the  
18 "conspiracy" at an early date, and in their summation  
19 attach a great importance to the charge that SHIRATORI  
20 advocated Japan's withdrawal from the League of Nations.  
21 On a very flimsy account contained in HARADA Memoirs,  
22 which, moreover, was clearly denied by SHIRATORI from  
23 the stand, and without the support of any other evi-  
24 dence, not so much as hearsay or newspaper reports,

25 (3. Refer to Witness SAITO's testimony,  
T. 34,986)



1 the prosecution build a theory all their own and  
2 draw serious inferences and conclusions against  
3 SHIRATORI. We must respectfully call the Tribunal's  
4 attention to the fact that in cross-examining  
5 SHIRATORI, the prosecutor did all he could to prevent  
6 any explanation or detailed answer, and that he went  
7 the length of requesting the Court to intervene and  
8 direct the witness to answer only in monosyllables.

9 More especially, in regard to this question of with-  
10 drawal from the League, SHIRATORI's offer of explan-  
11 ation was rejected so that he had to rest satisfied  
12 with a bare denial of having advocated Japan's with-  
13 drawal from the League. When the excerpt from HARADA  
14 Memoirs was introduced as evidence in rebuttal con-  
15 cerning this matter, SHIRATORI was sick in a United  
16 States Army hospital, as the record will show, having  
17 undergone a throat operation, and could not be contacted  
18 by the defense counsel for consultation.

19  
20 3. SHIRATORI's discontent with the official  
21 positions allotted him by his superiors ever since the  
22 Manchurian Affair was such that he gradually came to  
23 assume the role of opposition to each succeeding  
24 Government, whether he was in active service or on  
25 the waiting list. In his letter to ARITA<sup>(4)</sup>, if the

(4. Ex. 774-A, read only partly by the  
prosecution and defense.)

1 same is to be considered by the Tribunal, we find him  
2 criticizing the Foreign Office in bitter terms for  
3 its lack of policy and for cowering before the  
4 swaggering military. In the article in the magazine  
5 Kaiso<sup>(5)</sup>, the very first he ever contributed to a  
6 Japanese journal, he vehemently rebukes not the  
7 Japanese people, as the prosecution contend, but the  
8 government, for its employment of those threadbare  
9 and discredited slogans such as self-defense, wrongs  
10 and injustices committed by China, etc., and its  
11 failure to give an explanation of the China Affair  
12 at once satisfying the conscience of the Japanese  
13 people and convincing the outside world at large.

14 SHIRATORI goes even further in expressing  
15 his dissatisfaction with the manner in which the Japan-  
16 ese Government was attempting to settle the Manchurian  
17 and China problems, by saying:

18 "But judging from the past results, only  
19 the passive phrase has been applied as in  
20 conciliation with all countries. . . The de-  
21 nouncement of the Washington Treaty too is with-  
22 in the category of passive diplomacy. At least,  
23 it cannot be deemed as being a positive diplomacy.  
24 One cannot help but entertain doubt as to the  
25

(5. Ex. 3596-B, read only in part by the  
prosecution.)



objective of Japanese diplomacy by the present Foreign Office.

"Conciliation is merely a means of diplomacy and is merely technical. If it is a principle, it must be thorough. Have they enough courage to return Manchuria to China, to get reinstated in the League of Nations and to apologize to the world for the crime?" (5a)

The prosecution asserted that by opposing his Government in the negotiation for the Tripartite agreement of 1938-39, SHIRATORI voluntarily raised himself to the policy-making level. But it was not the Government's policy itself that he really called in question at that time, but the manner and method they adopted in order to attain their objectives. He time and again told the Government to give up the whole idea of an alliance with the Axis (6), if they could not see their way clear to making concessions in regard to their proposed unilateral reservations.

That he criticized both the ABE and YONAI cabinets (7) may well be assumed from his habitual opposition to the powers that be. Though accepting advisorship in the Foreign Office, he was very often

(5a. Ex. 774A, p. 9. This part was not read before the Tribunal.

6. Ex. 2234; item (m) of Chapter V of this summation.

7. Ex. 3838)

critical of both MATSUOKA and of the KONOYE Cabinet  
in general. The interview he gave to the Asahi  
Shimbun<sup>(8)</sup> soon after the conclusion of the Tripartite  
Alliance in September, 1940, shows how independently  
of his Government he acted and what a detached view  
of the Alliance he took.

That SHIRATORI has tried to show to the  
Tribunal the personal and individual character of his  
acts and statements was not for the purpose of denying  
his responsibility, if any, for them, as the prosecu-  
tion assert, but was principally because he desired  
to make it clear that nobody, including his co-defendants  
in this trial, is to be made to share any liability,  
if there be such, which we deny, for whatever he did  
or said.

4. Along with Ambassador Ott's telegram  
and HARADA Memoirs, SHIRATORI's own writings and  
speeches form the bulk of the evidence produced against  
him by the prosecution. We have stated above how  
SHIRATORI showed a recalcitrant tendency in office  
and open opposition to the Government when out of  
office or on the waiting list; how he was neither a  
favorite nor a friend of the military and how his  
activities as a writer or speaker such as they were

(8) Ex. 2234: this part was not read by the  
prosecution.)



1 began so late as the latter part of 1937, which means  
2 that all of SHIRATORI's works along this line are  
3 products of or largely influenced by that special  
4 atmosphere which is witnessed in any country at war.

5 Read against such a background, we submit  
6 that the IPS exhibits on this head, numerous as they  
7 are, cannot justly lead to any of the conclusions  
8 and inferences the prosecution were pleased to draw  
9 from them in their summation. In a latter chapter  
10 where we deal with some of the items to which the  
11 prosecution seem to attach special significance, we  
12 shall try and refute their contentions in detail.  
13 Here we shall rest satisfied with denying in a general  
14 way the prosecution's contention, unsupported by any  
15 evidence at all, that SHIRATORI was allotted the role  
16 of propagandist for his Government or what they call  
17 "The Military Clique" or "Conspirators." They appear  
18 to base their allegation for one thing on that part  
19 of his public statements where he attempts to justify  
20 or apologize for Japan's actions on the continent,  
21 and her diplomatic moves. Writing or speaking in public  
22 in war time, however, when popular feeling runs high  
23 and patriotism or "my country right or wrong" type  
24 is apt to become the supreme virtue, who could help  
25 trying to justify to the world at large the conduct

and motives of his own country or Government? That  
1 SHIRATORI never was looked upon as a propagandist  
2 may best be shown by the fact that he was not once  
3 appointed or even considered as a candidate to the  
4 Presidency of the Government Information Bureau, a  
5 ministerial post created before the outbreak of the  
6 Pacific war. If SHIRATORI really had been the effective  
7 spokesman for the "conspirators" that the prosecution  
8 would have the Tribunal believe, it would be difficult  
9 to understand why he was not assigned any such role  
10 during the Pacific war which they contend represents  
11 the culmination of the "conspiracy."

13 5. With respect to SHIRATORI's part in the  
14 Pacific war, which we will cover later in full detail,  
15 it has been conclusively shown that SHIRATORI became  
16 seriously ill in April, 1941, and had no part in the  
17 formulation of the plans for, or carrying out this  
18 vital issue in any degree whatsoever. Further that,  
19 after his resignation as Advisor to the Foreign Office,  
20 he never again held a position with the Japanese Govern-  
21 ment; and although he was elected to the Diet, he  
22 never took any active part in such duties or responsi-  
23 bility. Upon his election to the Diet he was also  
24 made an ordinary director of the I.R.A.P.S., of which  
25 there were a great number -- and not to be confused



1 with a managing director, which was of greater  
2 importance and of which there were only a few. It  
3 has been clearly shown from the evidence, which we  
4 will now discuss before the Tribunal, that SHIRATORI  
5 took no part whatsoever in its functions and certainly  
6 could not be held liable for any acts he might have  
7 committed in such capacity. Moreover, SHIRATORI  
8 was relieved of his seat on the directorate after  
9 one year and withdrew from the Society itself soon  
10 afterwards.

11 Wherefore, the defendant SHIRATORI denies  
12 any guilt or responsibility whatsoever for any of  
13 the charges against him contained in any of the counts  
14 of the indictment. We will now present to the Tribunal  
15 a complete resume or summation, with citations, of  
16 the evidence submitted by the prosecution and the  
17 refutation of same by the said accused, which not only  
18 leaves the prosecution in a position where it has  
19 failed beyond a reasonable doubt to prove the guilt  
20 of the said accused, but, on the other hand, proves  
21 his innocence of all charges brought against him.

22 II. MANCHURIAN INCIDENT.

23 The prosecution insisted, "While he (SHIRATORI)  
24 is specially concerned with Count 5, we submit that  
25 he was in the general conspiracy from the beginning,

1 and responsible under all the counts in which he  
2 is charged." (11)

3 The prosecution further stated: "From the  
4 31st of October 1930 to the 2nd of June 1933 SHIRATORI  
5 was the official spokesman of the Foreign Ministry,  
6 and was decorated for his services in the Manchurian  
7 Incident." (12)

8 However, at the time of the Manchurian  
9 Incident, SHIRATORI was the Chief of the Bureau of  
10 Information (13); that is to say, a Section Chief of  
11 the Foreign Ministry who is neither a statesman nor  
12 a politician, but an official serving under the (14)  
13 control and direction of the Foreign Minister.

14 And the prosecution's witness Baron SHIDEHARA  
15 testified that during the tenure of his office as  
16 Foreign Minister SHIRATORI served as Chief of the  
17 Bureau of Information directly under him; that he felt  
18 that SHIRATORI definitely and completely fulfilled the  
19 duties of his office in line with the peace policy  
20 of the WAKATSUKI cabinet, and that SHIRATORI's  
21 activities had met with the wholehearted approval of  
22 the cabinet and SHIDEHARA himself. (15)

23 As to the decoration of SHIRATORI, we  
24 respectfully refer to Chapter V of this Summation.

25 (11. T. 16,924  
12. T. 16,912

(13. Ex. 3575  
14. Ex. 3576, T. 34,831  
15. T. 1356)



1           It is true that foreign correspondents chose  
2 to refer to SHIRATORI as the "spokesman" of the Foreign  
3 Office. However, this is a misnomer, not at all in  
4 keeping with the official legal definition of the  
5 office and which is moreover misleading as to the  
6 relative importance of the Bureau. In the United States  
7 Government, for instance, "spokesman" is a name given  
8 the Secretary of State or even the United States  
9 President himself. (16)

10           The prosecution stated: "Exhibit 179-Q (17)  
11 shows him taking part in a discussion as to setting  
12 up a new regime in Manchuria." (18)

13           By this statement the impression is given  
14 that SHIRATORI made the following statement: "It re-  
15 quires prompt solution. In order to reach prompt  
16 solution, it will be necessary to create a new regime  
17 in Manchuria. If the Central Authorities should give  
18 the agitators of the movement a tacit approval to do  
19 so, it will facilitate the solution of the problem."  
20 However, said exhibit shows explicitly that Mr. HAYASHI  
21 made that statement, with which SHIRATORI had nothing  
22 to do.  
23

24           (16. T. 35,070-71  
25           17. T. 1942  
25           18. T. 16,912-13)

1           The prosecution endeavored, by its cross-  
 2 examination of SHIRATORI (19) to show that he collab-  
 3 orated and played some part in the Manchurian Incident.  
 4 The prosecution quoted a passage of its interrogation  
 5 of SHIRATORI in Sugamo Prison, in order to show that  
 6 he, as the Chief of the Information Bureau, tried to  
 7 cover up and pacify the public and make them pleased  
 8 with what the military had done. (20) But, as shown  
 9 already, SHIRATORI was only a bureau chief of the For-  
 10 eign Office, whose main business was nothing more than  
 11 handing out news items, both good and bad, favorable  
 12 and unfavorable, to both the domestic and foreign  
 13 press as well, from day to day, and publishing state-  
 14 ments and declarations by the government concerning  
 15 foreign affairs, under the control and direction of  
 16 the Foreign Minister. (21) SHIRATORI did, at the in-  
 17 struction of the Foreign Minister, all he could in  
 18 his attempt at mobilizing the public opinion in favor  
 19 of a peaceful adjustment of the Manchurian Affair. (22)  
 20 And the prosecution's witness, Baron SHIDEHARA, testi-  
 21 fied very favorably to SHIRATORI, as aforesaid. (23)

23           The prosecution endeavored to show that

- 24   (19) T. 35,064-085  
 25   (20) T. 35,066-67  
      (21) T. 35,031-078  
      (22) T. 35,030  
      (23) T. 35,071-75 and 35,137-39



1 SHIRATORI took part in drafting the Japanese reply to  
2 the Lytton Report, which was a detailed justification  
3 of Japanese action in Manchuria. (24) But SHIRATORI's  
4 work was mainly to put into Japanese the draft reply  
5 prepared in English by Dr. Baty, an Englishman and an  
6 advisor to the Foreign Office. (25)

7 All the other efforts of the prosecution to  
8 testify by its cross-examination SHIRATORI's collabora-  
9 tion in the Manchurian Incident brought about no re-  
10 sults.

11 The prosecution tendered in rebuttal excerpts  
12 from HARADA Memoirs in evidence in order to show cer-  
13 tain activities of SHIRATORI during the Manchurian  
14 Incident.

15 (a) Exhibit No. 3763-A (26): This is an  
16 excerpt from HARADA Memoirs under date of 3 May 1932,  
17 the gist of which was that SHIRATORI, along with many  
18 others in the Foreign Office, advocated the withdrawal  
19 of Japan from the League of Nations; that in view of  
20 past Japanese action in Manchuria since September 18  
21 she could not, that is to say, in good conscience,  
22 remain in the League; further, that the small nations,  
23 who were without sufficient information, were not the  
24

- 25 (24) T. 35,082-083  
(25) T. 35,144  
(26) T. 37,604-05

1 the proper ones to judge Japanese actions and that  
2 it would be better to deal direct with America, Bri-  
3 tain and France. Further, that the statement was evi-  
4 dently made to the Chief Cabinet Secretary MORI, who  
5 evidently was sympathetic to the idea and recommended  
6 such action to the Premier.

7 The prosecution insisted in rebuttal that this  
8 document was offered to contradict SHIRATORI's denial  
9 on cross-examination (26-a) that he advocated Japan's  
10 withdrawal from the League of Nations, and his further  
11 denial (26-b), that he ever stated his views on this  
12 subject, as recorded by HARADA. (26-c)

13 Now, HARADA does not show from whom, when and  
14 under what circumstances he got the above-mentioned  
15 information. It is quite clear that this is nothing  
16 but a prefabrication made up by HARADA as conclusion  
17 on the basis of information he has received from var-  
18 ious unknown sources. The passage in quotation marks  
19 above, beginning with - "Japan is unable to remain in  
20 the League" and ending with "It is quite improper to  
21 remain in the League", is not at all an aggressive  
22 opinion, even if true, as it advocated negotiations  
23 direct with England, France and the United States to

25 (26-a) T. 35,081  
(26-b) T. 35,082  
(26-c) T. 37,601



obtain their understanding about the Manchurian question. Judging from the general style of recording the passage, it could not be a direct quotation of SHIRATORI's talk, and further, SHIRATORI denied it. The last sentence - "He must have aroused Chief Cabinet Secretary MOKI's sympathy," was an opinion of HARADA; and the author of the statement - "MORI went directly to the Premier and urged withdrawal from the League," is not mentioned.

The withdrawal of Japan from the League of Nations on 27 March 1933 was, of course, decided by the cabinet and sanctioned by the Emperor on the advice of the Privy Council (26-d). Even if we presume that SHIRATORI really had a talk with MORI and the latter urged the Premier to withdraw from the League, about at the end of April or early in May 1932, it will be very difficult to conclude that that influenced in any way the most important decision of the Japanese Government to withdraw from the League in March 1933, nearly a year later.

Moreover, SHIRATORI was the Chief of the Information Bureau of the Foreign Office during this period and served under the control and direction of

(26-d) Ex. 271, Minutes of the Privy Council concerning termination of cooperative relations between Japanese Empire and various organs of League of Nations, T. 3,641-52

1 the Foreign Minister. How could he decisively influ-  
2 ence any important foreign policy of the government?

3 Furthermore, SHIRATORI replied, during his  
4 cross-examination, to a question by the prosecution  
5 relying on the above-mentioned excerpt from HARADA  
6 Memoirs, as follows:

7 "If you want me to explain, I shall do so,  
8 but as to whether or not I advocated such a  
9 withdrawal (from the League of Nations), I  
10 did not advocate it." (26-e)

11 However, the prosecution did not permit him to explain.  
12 And SHIRATORI, in a U. S. Army Hospital due to illness,  
13 necessitating a throat operation, was not able to attend  
14 court and could not make any explanation about the  
15 matter in surrebuttal. Under such circumstances, the  
16 real story might, if clarified, have been entirely dif-  
17 ferent from that written by HARADA in his Memoirs.

18 In short, the defense for SHIRATORI respect-  
19 fully insist that exhibit No. 3763-A is false, and  
20 worthy of no consideration by the Tribunal.

21 (b) Exhibit No. 3764-A (26-f); This is an  
22 excerpt from HARADA Memoirs under date of 12 September  
23 1932, the gist of which was that HARADA made a visit to  
24 SHIRATORI at the Foreign Office, at which time SHIRATORI  
25

(26-e) T. 35,081

(26-f) T. 37,606-07



1 suggested the appointment of General ARAKI as Premier,  
2 due to the fact that under the then cabinet the exchange  
3 rate had dropped considerably; that this was brought  
4 about by influence from the Military which caused the  
5 government to move to the right after announcing for-  
6 eign policies are to be to the left; further, that such  
7 confusion was harmful to the country's reputation and  
8 that the only solution was to form a strong government  
9 which would follow a direct course - to all of which  
10 HARADA replied in the negative, stating that the Mili-  
11 tary should be kept in the background and that most of  
12 the trouble was caused by lack of diplomacy.

13 The prosecution insisted, in rebuttal, that  
14 this document was offered to contradict SHIRATORI's  
15 denial (26-g) that he ever suggested to HARADA that  
16 ARAKI be made Premier, or that he ever expressed an  
17 opinion favoring such appointment. (26-h)

18 Even if we presume some credibility in the  
19 aforementioned HARADA's story, it must be concluded  
20 that SHIRATORI himself did not belong to any group of  
21 militarists, but that he only suggested to HARADA that  
22 ARAKI be made Premier, in order to be able to stabilize  
23 the Japanese foreign policy and thereby also the Japan-  
24 ese exchange rate. Apparently SAIONJI, the Cabinet-

(26-g) T. 35,083-84

(26-h) T. 37,605

1 maker, was not influenced by SHIRATORI's suggestion, if  
2 such was ever made, and we deny that it was, in any  
3 way whatsoever, and at any rate, ARAKI did not become  
4 Premier.

5 At that time HARADA was the main furnisher of  
6 information for Prince SAIONJI, the Cabinet-maker of  
7 Japan. However, SHIRATORI was only a bureau chief of  
8 the Foreign Ministry, who was neither a statesman nor  
9 a politician, but an official serving under the control  
10 and direction of the Foreign Minister, and had, of  
11 course, nothing to do with the domestic politics.  
12 Therefore, SHIRATORI's opinion on a matter of the above-  
13 mentioned sort, if ever expressed and we deny that it  
14 was, could not be anything more than that of a layman.  
15 Although HARADA recorded in his Memoirs such a talk with  
16 SHIRATORI, we cannot appraise very highly the value  
17 of the entire HARADA Memoirs, as will be later pointed  
18 out.

19 SHIRATORI denied categorically the aforesaid  
20 story recorded by HARADA. In his cross-examination he  
21 replied to a question put by the prosecution, as fol-  
22 lows:

23 "Not only did I never express such views  
24 to others, but I, myself, never even harbored  
25 such thoughts." (26-1)



1 Therefore, HARADA must have committed some grave mis-  
2 takes in recording the above-mentioned entry of his  
3 Memoirs.

4 In sum, we respectfully insist that exhibit  
5 No. 3764-A is a prefabrication without basis of fact,  
6 and is unworthy of consideration by the Tribunal.

7 (c) Exhibit No. 3773-A (26-j): This is an  
8 excerpt from HARADA Memoirs under date of 14 May 1933,  
9 and contains the passage to the following effect:  
10 Vice Minister ARITA came over to HARADA's place after  
11 9:00 p.m. and made a statement to the following effect:  
12 With the permission of the Minister, a plan was made  
13 to change personnel, sending SHIRATORI, Chief of the  
14 Information Bureau, abroad and TANI, Chief of the Asia  
15 Bureau, to Manchukuo as a Councillor. ARITA submitted  
16 the plan to the Foreign Minister UCHIDA, who said to  
17 SHIRATORI: "I want you to go abroad either as a Minis-  
18 ter or a Councillor," and SHIRATORI stated: "I will  
19 give it consideration, but what do you think about  
20 sending the Vice Minister abroad also?" Long before  
21 that, when SHIRATORI was approached on the same subject,  
22 he strongly objected by stating: "If I should be sent  
23 out, there is no telling as to what may happen."  
24

25 (26-j) T. 37,641-43

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1 Consequently, UCHIDA was finally placed at  
2 a complete loss and said to ARITA: "Since SHIRATORI  
3 states that if I send you abroad he will go, I want  
4 you to go out as Ambassador to Great Britain or to any  
5 other country you prefer. If you accept this proposi-  
6 tion, the matter will be settled amicably." ARITA  
7 thought that if UCHIDA was going to take the stand  
8 that in a quarrel both parties were to blame, it was  
9 utterly useless for him to give UCHIDA his support,  
10 and that it would be best for him to resign before  
11 such a decision was reached. On the other hand, when  
12 ARITA's resignation became a reality, SHIRATORI seemed  
13 to feel that he had to resign also. However, as the  
14 result of conferences with SUZUKI of the army,  
15 SHIRATORI finally said: "I shall accept the post of  
16 Minister to a foreign country, provided that there  
17 will be no change in policy." On the next day he  
18 made his said intention known to UCHIDA, who was over-  
19 joyed at the action of SHIRATORI. UCHIDA seemed to  
20 have been especially pleased when SHIRATORI advised  
21 him: "Please, in any case, retain the Chief of the  
22 Asia Bureau, since he is a very important figure in  
23 connection with Chinese problems."

24 The prosecution stated that this document  
25 was offered to contradict SHIRATORI's denial on



1 cross-examination (26-k) that he had attempted to  
2 bargain with Foreign Minister UCHIDA concerning his  
3 transfer; his further denial (26-k) that he had  
4 offered to accept a post abroad if Vice-Foreign  
5 Minister ARITA were also to be sent out of the  
6 Foreign Office; and to contradict a third denial  
7 (26-l) that he had finally consented to go abroad  
8 as Minister provided there would be no change in  
9 the policy of the Foreign Office (26-m).

10 Now, from the general form of the recording  
11 of the exhibit, it appears that ARITA's visit to  
12 HARADA was some time after 9 o'clock on the 14th  
13 day of May 1933. In the conversation set forth in  
14 the first part of said exhibit, it states that at  
15 that time ARITA was the Vice-Foreign Minister, etc.  
16 (T. 37641-43). However, the last part of the exhibit  
17 (T. 37643) with no new date line, and presumably  
18 pertaining to a conversation with ARITA on the same  
19 night, refers to the resignation of the Vice-Minister  
20 (ARITA), which goes to conflict in its entirety.  
21 Further, HARADA recorded in the exhibit several  
22 direct quotations of the conversations between the

23 26-k. T. 35084.  
24 26-l. T. 35085.  
25 26-m. T. 37640.

1 Foreign Minister UCHIDA and SHIRATORI. These are,  
2 of course, nothing more than hearsay. Moreover,  
3 HARADA did not show who was the bearer of the follow-  
4 ing two direct quotations of SHIRATORI's talks:

5 1). "If I should be sent out, there is  
6 no telling as to what may happen." (26-n).

7 2) "I shall accept the post of Minister to  
8 a foreign country provided that there will be no  
9 change in policy." (26-o).

10 Furthermore, we respectfully call the atten-  
11 tion of the court to the following facts:

12 1) As the witness SAITO testified, the  
13 Vice-Foreign Minister has control over the personnel  
14 affairs of the Foreign Office (26-p). He arranges  
15 the change of personnel, and, in case it concerned  
16 higher officials, it will usually be communicated in  
17 advance to the persons concerned, who will then have  
18 occasion to express their personal wishes in regard  
19 to the planned change. The final decision lies, of  
20 course, in the hands of the Foreign Minister.

21 2) To the question of the prosecution on  
22 cross-examination:

23 26-n. T. 37642.  
24 26-o. T. 37643.  
25 26-p. Ex. 2588, T. 34962.



1 "When ARITA refused to go to England and  
2 resigned instead, did you not consent to go abroad  
3 as Minister, provided the policy of the Foreign  
4 Office not be changed?"

5 SHIRATORI replied as follows:

6 "It is out of the question for bureau  
7 chiefs or ministers to make such unwarranted demands,  
8 and I have never done such a thing."

9 As SHIRATORI was at that time Chief of the  
10 Information Bureau, with only such duties and re-  
11 straints as heretofore set forth, his answer must  
12 be true. In this respect we would like to refer to  
13 the testimony of KADOWAKI to the effect that the  
14 Foreign Minister TOGO dismissed four radical  
15 diplomats; to wit, one Ambassador, two section chiefs  
16 and one junior secretary (25-q).

17 3) With respect to an alleged personal  
18 controversy between SHIRATORI and ARITA, as reported  
19 by HARADA, SHIRATORI testified also on his cross-  
20 examination that at that time there might have been  
21 rumors that ARITA and he had quarreled, but that this  
22 was absolutely not true (26-r). However, if HARADA's  
23 statement as regards the enmity of SHIRATORI and  
24 ARITA is taken on its face value, it would strongly  
25 26-q. Ex. 3626, T. 35519. 26-r. T. 35084.

1 indicate the absence of a conspiracy and would show  
2 much dissention in the Foreign Office at that time.

3 It must therefore be concluded from the above  
4 that HARADA's story in exhibit No. 3773-A, in case we  
5 presume it contain some truth, must be one made up,  
6 strongly distorting the real facts, and accordingly,  
7 it has only a very limited probative value. Moreover,  
8 it is quite clear that such incident in the Foreign  
9 Office cannot have anything to do with the indictment  
10 for conspiracy, but controverts the same, as aforesaid.

11 In short, there is no substantial evidence  
12 to show that SHIRATORI participated in any conspiracy  
13 relative to the Manchurian Incident, in the event it  
14 is assumed that such a conspiracy existed. Therefore,  
15 the prosecution's insistence that SHIRATORI was in the  
16 general conspiracy from the beginning (26- s), is not  
17 true, as further borne out by the prosecution's asser-  
18 tions in paragraph K-4 of their general summation,  
19 heretofore referred to in Chapter I, General, of this  
20 summation.

21 In summing up the contentions of the prosecu-  
22 tion with respect to SHIRATORI's activities as pertain  
23 to the Manchurian Incident, it can be justly said that  
24 in the absence of the wholly undependable HARADA Memoirs,  
25 26-s. T. 16924.



1 there is no evidence connecting SHIRATORI with this  
2 matter. On the other hand, the evidence from the  
3 prosecution's own witness Baron SHIDEHARA, the then  
4 Foreign Minister, who testified as hereinabove stated,  
5 to the effect that SHIRATORI was cooperative with his  
6 policy in trying to settle the incident and bring  
7 about the peaceful solution thereof, not only refutes  
8 HARADA, but is certainly more worthy of belief. In  
9 view of this fact, the prosecution's assertions must  
10 be deemed to be only assumptions, presumptions and  
11 conclusions, based upon the so-called Memoirs of a  
12 sick and wholly unreliable person. In this regard  
13 we respectfully refer to the summation prepared for the  
14 accused KIDO wherein this subject is treated at  
15 length at pages -- if it please the Tribunal, at that  
16 time I understood Mr. Logan was to present Mr. KIDO's  
17 summation prior to me, and I was going to insert the  
18 record pages; and I would like permission to insert  
19 them after Mr. Logan presents the summation.  
20

21 III.

22 SHIRATORI and the USSR.

23 The prosecution state: "On the 4th of  
24 November, 1935, SHIRATORI advised ARITA by letter  
25 that the threat of future calamity should be removed  
while Russia was comparatively impotent. He advocated

war if that appeared inevitable in order to shut  
Russia out completely from advancing into East Asia." 27.

In the "Statement of Official Procurement"  
attached to IPS document No. 2419, it is stated that  
the said document was obtained from the Japanese Govern-  
ment.

Now, it was clearly shown by the testimony  
of the witness YATSUGI, Kazuo (28) and by the state-  
ment of prosecutor Higgins (29), that the Society for  
the Study of National Policy (Kokusaku Kenkyu-Kai) -  
this title has also been translated as "National  
Policy Research Institute" - was a purely private  
organization, and it was neither an organ of the  
government nor a part of it. YATSUGI testified also  
that he had never been an official of the Japanese  
Government (30); that IPS exhibit 774-A was the copies  
made by him from copies of SHIRATORI's private letters  
to ARITA and was confiscated from him by IPS; that he  
borrowed the said other copies from ARITA and that he  
had never seen the original of these letters (31).  
Therefore, the aforesaid "Statement of Official

27. T. 16925; refer also to Ex. 774-A (IPS doc. 2419-A),  
T. 7884.

28. T. pp. 7374-78 and 34834.

29. T. 11394.

30. T. 34837.

31. T. 34834-35.



1 Procurement" of the prosecution cannot be true, and  
2 the document should be stricken from the record. It  
3 must also be said that it is not sure whether these  
4 "copies of copies" quite conformed to the original  
5 (32).

6 On the 12th and 14th of August, on the 24th  
7 of September and on the 1st of December, 1947, impor-  
8 tant language corrections were made by the Language  
9 Arbitration Board with regard to the British trans-  
10 lation of exhibit No. 774-A.

11 Exhibit 774-A was read partly by the prose-  
12 cution (33) before, and partly by the defense (34)  
13 after the correction.

14 If we assume that exhibit 774-A generally  
15 conforms to the original letters, then the document  
16 speaks very clearly for the following facts: (a)  
17 that they were private letters, pure and simple, and  
18 are to be clearly distinguished from official documents  
19 sent from subordinates to superiors (35); or semi-  
20 official documents exchanged between colleagues;  
21 (b) that the letters (dated 4th of November and 12th  
22 of November, 1935) were written shortly after the  
23

24 32. Refer also to T. 7879-82.

25 33. T. 7884-87.

34. T. 34838-44.

35. Refer to T. 34838-40.

1 Seventh Congress of the Communist International in  
 2 Moscow brought out in August, 1935, a resolution to  
 3 the effect that Japan and Germany were its primary  
 4 enemies (36); (c) that SHIRATORI's suggestion was not  
 5 unreasonably to force a war against the USSR, but to  
 6 negotiate with her with determination, not refusing  
 7 even war if it is inevitable, in order to shut her  
 8 out from advancing into East Asia and thus to remove  
 9 future calamity when she was comparatively impotent  
 10 (37); (d) that SHIRATORI was of the opinion that  
 11 there was no need for Japan to make any specific  
 12 understanding with Germany as the two nations were in  
 13 the same boat vis-a-vis Russia (38); (e) that SHIRA-  
 14 TORI's views in regard to China, England, and the  
 15 United States of America, etc., were very reasonable,  
 16 fair and just (39); and (f) that he deplored the  
 17 decision of his government for the denouncement of  
 18 the Washington Naval Treaty as a passive diplomacy  
 19 (in stating as follows (39-a)):  
 20

21 "But judging from the past results, only  
 22 the passive phrase has been applied as in concilia-  
 23 tion with all countries. . . The denouncement of the

24 36. T. 33987.

38. T. 34842-43.

37. T. 34842.

39. T. 34840-44.

25 39-a. Ex. 774-A, p. 9. This part was not  
read before the Tribunal.



1 Washington Treaty too is within the category of  
2 passive diplomacy. At least, it cannot be deemed as  
3 being a positive diplomacy. One cannot help but  
4 entertain doubt as to the objective of Japanese diplom-  
5 acy by the present Foreign Office.

6 "Conciliation is merely a means of diplomacy  
7 and is merely technical. If it is a principle, it  
8 must be thorough. Have they enough courage to return  
9 Manchuria to China, to get reinstated in the League  
10 of Nations and to apologize to the world for the  
11 crime?"

12 We would like to call the attention of the  
13 Court to the fact that, when the two letters were  
14 sent, SHIRATORI was Japanese Minister to Sweden (40),  
15 and that ARITA was Ambassador to Belgium, from where  
16 he was transferred to China (41), that is to say,  
17 ARITA did not yet become Foreign Minister at that  
18 time; that, therefore, the prosecution's use of the  
19 expression "SHIRATORI advised ARITA, etc." is quite  
20 misleading as the latter was not in position to put  
21 into execution SHIRATORI's suggestions in this matter.

22 It must also be pointed out that SHIRATORI,  
23 in one of the letters explicitly states that it was  
24

25 40. Ex. 3575.  
41. T. 34845.

1 meant for ARITA personally and that no copy was  
2 made by himself. It is very patent from the general  
3 context that SHIRATORI's main object in writing this  
4 letter was to impress upon ARITA, Ambassador desig-  
5 nate to China, the urgent necessity of checking the  
6 North China machinations by the military and of  
7 stopping all southward advance beyond the Great Wall;  
8 and that he expressed his idea that the best way to  
9 attain that object was to emphasize the menace from  
10 Red Russia and concentrate all Japan's efforts, both  
11 military and diplomatic, upon that problem. We do  
12 not see anything criminal for a professional diplomat  
13 to write to a friend a strictly confidential personal  
14 letter of this sort. It was neither propaganda for  
15 an aggressive policy nor an advocacy of wanton use  
16 of force, but merely a bid for determined diplomatic  
17 effort to tackle "the menace on earth" that was  
18 hanging over Japan. We respectfully invite the  
19 Honorable Court to consider for a moment what vast  
20 difference it would have made in the subsequent  
21 events and developments in this part of the world if  
22 SHIRATORI had really wielded the degree of influence  
23 the prosecution aver he did in the formulation of  
24 Japanese diplomacy and the line of policy advanced  
25 by him in this exhibit had been adopted by Japan



around 1935 or 1936.

1       The prosecution state further: "He (SHIRA-  
2 TORI) held the post of advisor until the 22nd of  
3 July, 1941, when he resigned owing to ill health.  
4 On the 7th of July (42), and again on August the  
5 1st (43), Ott stated that he was intending to resume  
6 an activist policy, and advocated war against Russia."<sup>44.</sup>

7       They read only a part of exhibit 1113 (45),  
8 and the defense read the entire remaining part (46).  
9 In this document, Ambassador Ott himself stated that  
10 SHIRATORI was seriously ill, and that he made the in-  
11 pression of needing rest and being mentally tired (46).  
12 "We would like to refer also to the testimony of Ott  
13 given to counsel for SHIRATORI, as well as of the  
14 defendant SHIRATORI himself (47). As to the statement  
15 attributed to SHIRATORI "that as soon as he was able  
16 to take up his political work again, he wants un-  
17 changedly to advocate an active course for Japan,  
18 and that he regarded the entry into the war against  
19 Russia as the most urgent goal" (48), we rely on the  
20 testimony of the witness MISHIMA (49) and of the

21  
22 421 Ex. 1113, T. 10157-58.

23 43. Ex. 800, T. 7967-68.

24 44. T. 16918-19.

25 45. T. 10157-58.

46. T. 34948-49.

47. T. 34883-86.

48. T. 10158.

49. T. 35013-018.

1 witness MURAMATSU (50), in order to show that, granted  
2 he had really said anything of the sort, SHIRATORI was  
3 too ill at that time to take responsibility for it.  
4 At any rate, the assertion is denied.

5 The prosecution read only a part of exhibit  
6 800(51), but we would like to rely on the entire  
7 exhibit; that is to say, also on the first part of  
8 exhibit 800, beginning with "Minister Secretary  
9 YAMAMOTO commissioned with the affairs of the Vice-  
10 Foreign Minister, gave me the following information  
11 about the situation. . ." and ending with "YAMAMOTO  
12 did not contradict my remark that both governments . . .  
13 and limited themselves, at present, to economic re-  
14 prisals," as well as on the last part of exhibit 800  
15 which reads as follows:

16 "In regard to my remark that the Soviet  
17 Government might then delay Japan's entry into war  
18 by delaying negotiations and in cooperation . . .  
19 with the progressive pressure of the Anglo-Saxons,  
20 until the beginning of winter and thereby perhaps  
21 prevent it entirely, YAMAMOTO asserted that he  
22 personally believed that a quick entry into war would  
23 be the right thing."  
24

25 50. T. 35013-018.  
51. T. 7967-68.



It is quite clear that the prosecution misapprehended exhibit 800, for a closer scrutiny of the same shows that acting Vice-Foreign Minister YAMAMOTO made the statement and not the defendant SHIRATORI, and that from the entire exhibit only the clause "which SHIRATORI, whom I visited again during the past days in his place of convalescence, had pointed out to me as being serious" relates to SHIRATORI. We also refer to the testimony of Ott given to counsel Caudle (52), as well as to the serious illness which made it impossible for SHIRATORI at that time to take responsibility for any expression of his views. (See the above-mentioned footnotes (49) and (50).

SHIRATORI was appointed Minister to Sweden and was ordered also to serve concurrently for the countries of Norway, Denmark, and Finland in June, 1933 (53), where he remained until November, 1936. The Anti-Comintern Pact was negotiated during his stay in Sweden (54), and finally concluded on the 25th of November, 1936, while he was en route home from his post at Stockholm (55). Though SHIRATORI, during his stay of three years in Scandinavia (56),

52. T. 34886.                      55. Ex. 3575.  
 53. Ex. 3575.                      56. Ex. 3575; 5 Dec.1933 -12 Nov.1936.  
 54. T. 33984-87 and Ex. 3575.

visited Berlin several times and also met the accused  
1 OSHIMA at banquets given by the Ambassador, he did  
2 not discuss matters relating to the Anti-Comintern  
3 Pact with the latter, who was military attache at  
4 that time. As OSHIMA testified, SHIRATORI was never  
5 at any time connected with the negotiations or the  
6 conclusion of the Anti-Comintern Pact. (57)(58).  
7

8 The prosecution failed to testify that  
9 SHIRATORI had anything to do with participation in  
10 the Anti-Comintern Pact of Italy on the 6th of  
11 November, 1937 (59), of Manchoukuo and other coun-  
12 tries (60), as indeed he was in no position to have  
13 anything to do with the matter.

14 It is charged in Count 17 that between the  
15 1st of January, 1928, and the 2nd of September, 1945,  
16 SHIRATORI planned and prepared a war of aggression,  
17 etc., against the Soviet Union; but, as abundantly  
18 clear from the foregoing, the prosecution have failed,  
19 we submit, to substantiate that charge. And as has  
20 been pointed out in the general defense, the world  
21 knows of the Russian attack on Japan, notwithstanding  
22 the fact that the Russian-Japanese Nonaggression Pact  
23 was still in full force and effect at that time.

24 57. T. 35085-87.  
25 58. T. 34084-86.

59. Ex. 36, T. 6036.  
60. T. 6045 and 6046-48.



## IV. CHINA AFFAIR.

The prosecution state:

"From the 31st of October, 1930, to the 2d of June, 1933, SHIRATORI was the official spokesman of the Foreign Ministry, and was decorated for his services in the China Affair of the nature of which the prosecution has no other knowledge."<sup>(63)</sup>

About this matter of decoration of government officials, we should like to refer, among the rest,<sup>(64)</sup><sup>(65)</sup> to the testimony of the witnesses MURATA, NARITA<sup>(66)</sup> and MATSUMOTO, which clearly shows that an overwhelming number of persons were decorated in the Manchurian and China Affairs; that the awards were, practically speaking, without regard to the actual service rendered but were due mainly to the positions held by the officials concerned, and finally that even persons who were generally regarded as opposed to these affairs were likewise decorated. The fact that SHIRATORI was decorated does not, therefore, prove anything concerning the part he played in the China Affair. At the time of the outbreak of the China Affair, he was on the waiting list of ministers in the Foreign Office and

(63) T. 16,912.

(64) Ex. 3147, T. 28,026-33.

(65) Ex. 3614, T. 35,398-99.

(66) Ex. 3623, T. 36,464-65.

1 had no duty, authority or influence concerning the  
2 formulation of policy by his government (67 & 67-a).

3 In his sworn affidavit he states: "About the China  
4 war I knew as much or as little as ordinary readers  
5 of newspapers either in regard to the circumstances  
6 of its outbreak or to the measures the government was  
7 adopting one after another." (68)

8 On Japan's China policy he wrote to ARITA in  
9 1935, as follows: (68-a).

10 Seven: Paragraph 1, second line of page 4  
11 of said exhibit:

12 "The Foreign Office should be aware that the  
13 situation prior to the Manchurian Incident more than  
14 proved that mere formality such as 'Sino-Japanese Good-  
15 will' has no value, on the other hand, the militarists  
16 appear to be focusing their eyes on North China, try-  
17 ing to build up a somewhat modified and moderated Man-  
18 choukuo. Foreign views aside, from the standpoint of  
19 the interests of the empire itself, the propriety of  
20 such policy is at least very problematic."  
21

22 Same paragraph, 17th line of page 4 of said  
23 exhibit:

24 (67) Exs. 125 and 3575.

25 (67-a) Refer also to witness SAITO's testimony,  
T. 34,970-75.

(68) Ex. 3595, T. 35,031-32.

(68-a) Ex. 774-A, T. 34,840-42.



1 "Therefore, our future policy towards China  
2 should be aimed solely at the exclusion of outside  
3 influences and disregarding entirely immediate small  
4 profits."

5 Same paragraph of page 4 to page 5, first  
6 line of said exhibit:

7 "Although we may mention 'exclusion of foreign  
8 influences,' we, of course, do not mean the exclusion  
9 of all foreign activities in order to acquire monopo-  
10 listic positions. For instance, I believe that due  
11 respects should be given to the various British,  
12 American and other legitimate establishments in China,  
13 and moreover, we should be so prepared as to give them  
14 willing cooperation. By excluding foreign influences  
15 from China, we do not mean to be the so-called 'dog  
16 in the manger,' but only the expulsion of all influences  
17 which are harmful to China, and consequently to Japan.  
18 Although we may say that this shall be applicable to  
19 all, regardless of what that country may be, when we  
20 take a general view, we find that the activities of  
21 the various countries in China today do not retain any  
22 vestige of the former days when each country had her  
23 own sphere of influences. Only a few relics of the  
24 former age remain, but in general, they could be said  
25 to be unharmed. If Japan takes the initiative, for

1 instance, in discarding the rights of extraterritoriality  
2 and other formal special rights, and of having the  
3 foreign settlement removed, and the number of foreign  
4 advisors reduced, would not the rest be satisfactory?

5 "It is needless to say that, among foreign  
6 influences that should above all be expelled, is that  
7 of Red Russia. This is a question on which our  
8 empire's diplomacy must concentrate its main force in  
9 the future, and Sino-Japanese concert and cooperation  
10 with the Anglo-Americans are necessary for the solu-  
11 tion of this problem."

12 That alone, if nothing else, would suffice to  
13 show beyond all doubt that SHIRATORI could never have  
14 had anything to do with the planning and preparing a  
15 war of aggression, etc., against China, as the  
16 prosecution indict him in count 6.

17 After the unfortunate conflict did take place,  
18 and assumed proportions of a regular war, and the  
19 feelings of both nations ran high, SHIRATORI could  
20 not openly oppose it, although he deeply deprecated  
21 it in private. All he could do was to work for its  
22 quick settlement and to that end he bent all his  
23 efforts (68-b):

24 The prosecution charge SHIRATORI, in  
25 (68-b) T. 35,088 and 35,033.



1 counts 27 and 28, with waging war of aggression, etc.,  
2 against China; but none of the positions he held from  
3 1928 to 1945 had anything to do with the waging of  
4 the China war. During the entire period he never once  
5 served either in Manchuria or in occupied China, nor  
6 was he in any way connected with the numerous wartime  
7 organs and commissions which were set up to help  
8 prosecute the war.

9 V. NEGOTIATIONS FOR A TRIPARTITE PACT IN  
10 1938-1939, and

11 VI. SHIRATORI'S CAREER AFTER AMBASSADORSHIP  
12 TO ITALY.

13 I shall proceed with division V.

14 (a) SHIRATORI's warning to the Democracies:

15 The Anti-Comintern Pact concluded between  
16 Japan and Germany in 1936 and acceded to by Italy and  
17 other nations gave impetus naturally to the counter  
18 movement by the communists for the so-called popular  
19 front in opposition to what they termed "the national  
20 front" of Fascist countries. This counter-movement  
21 of Moscow was a great success in that it could range  
22 on their side many of the western democracies in so  
23 far as opposition to the Fascists was concerned. The  
24 Japanese Government and people were rather slow to  
25 awaken to the new development, having too long been

1 accustomed to the idea that capitalist democracies  
2 and communist Moscow were irreconcilable.

3 That SHIRATORI did not at first like the idea  
4 of entering into special agreement with Germany but  
5 rather advocated understanding with the democracies,  
6 especially England and China, in order to cope with  
7 the communist menace can be shown from exhibit 774-A.

8 The article he published in the "Contemporary  
9 Japan" of March 1938 issue contained the following:

10 "Japan, Germany and Italy, the three greatest  
11 totalitarian countries of the world, have concluded  
12 an Anti-Comintern Pact, the sole aim of which repeatedly  
13 has been declared by the governments of the three  
14 powers to be common defense against the Communist Inter-  
15 national and its schemes of world revolution. . . But  
16 it is extremely difficult to understand that democratic  
17 nations, despite the absence of any attack or threat  
18 of attack on themselves, should, from a preconceived  
19 notion of their own, place a false construction on the  
20 intentions of the 'have not' countries and attempt to  
21 check and suppress their activities at every turn.  
22 Would not such an attitude only drive these countries  
23 beyond the bounds of their original Anti-Comintern  
24 Pact and compel them to collaborate in self-defense  
25 along more general lines?" (69)

(69) T. 35,104-5.



1       The prosecution seem to attach great impor-  
2       tance to this article which they regard as proof  
3       that SHIRATORI advocated the enlargement of the Anti-  
4       Comintern Pact as early as the spring of 1938. In  
5       their summation they try very hard to intimate that  
6       this article had something to do with the German pro-  
7       posal to Japan early in that year for the intention  
8       of the Anti-Comintern Pact into a military alliance of  
9       general application. The prosecution begin by  
10      stating that SHIRATORI visited OSHIMA several times  
11      while in Sweden. It is a clear misstatement. Anyone  
12      who knows the geography of Europe at all will at once  
13      agree that for one who lives in Scandinavia it is  
14      necessary first to proceed to Berlin before going to  
15      any other parts of Europe except England. There is  
16      nothing at all extraordinary that during his three  
17      years in Stockholm he should have visited Berlin five  
18      or six times. It is not at all likely that SHIRATORI  
19      saw Military Attache OSHIMA each time he was in Berlin.  
20      At any rate, there was scarcely anything more than a  
21      speaking acquaintance between SHIRATORI and OSHIMA  
22      before SHIRATORI's arrival in Rome at the end of 1938.

23               At the time he wrote the article, SHIRATORI  
24      of course had not the slightest idea that Germany  
25      should actually make a proposal along the line indicated

1 by him. As the article plainly speaks for itself,  
2 it is nothing more than a warning or an appeal to the  
3 democracies not to lend themselves to the popular  
4 front movement and force Japan to fly into the arms  
5 of Germany and Italy in spite of her true desire but  
6 purely in self-defense. That an article was published  
7 in the "Contemporary Japan" which was principally meant  
8 for American readers (70-a) and which in Japan was  
9 scarcely read by any readers beyond the American and  
10 British Embassy and business or press circles, clearly  
11 shows that it was meant for these readers and not meant  
12 for an advocacy of such an idea among the Japanese  
13 statesmen or leaders.

14 THE PRESIDENT: We will adjourn until half-  
15 past one.

16 (Whereupon, at 1200, a recess was  
17 taken.)  
18 - - -  
19  
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(70-a) T. 34,998.



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## AFTERNOON SESSION

1 The Tribunal met, pursuant to recess, at 1330.

2 MARSHAL OF THE COURT: The International  
3 Military Tribunal for the Far East is now in session.

4 THE PRESIDENT: Mr. Caudle.

5 MR. CAUDLE: Mr. President, I proceed to  
6 read, as we have it listed, page 2 of Section V.

7 (b) SHIRATORI's appointment as Ambassador to  
8 Italy: SHIRATORI was appointed Ambassador to Italy  
9 on September 22, 1938; left Tokyo November 22, 1938,  
10 and arrived in Rome on December 29, 1938.<sup>(71)</sup> The  
11 prosecution stated that SHIRATORI accepted the post  
12 of Ambassador to Italy and journeyed to Rome in the  
13 latter part of December, 1938, with the expectation that  
14 he would succeed in concluding the Tripartite military  
15 alliance between Japan, Germany and Italy.<sup>(72)</sup>

16 It is true that SHIRATORI accepted the  
17 ambassadorship because he was able to see that he  
18 would be able, even from Italy, to contribute to the  
19 solution of the China Affair, which was the most  
20 pressing problem of the time.<sup>(73)</sup> But SHIRATORI makes  
21 it clear in his affidavit<sup>(74)</sup> that in common with the

22 71. T. 34,906 and Ex. 3575

23 72. T. 16,914; also Ex. 498, p. 6083 and 34,865-66

24 73. T. 35,090 and 35,032-34

25 74. T. 35,108-09 and 35,032-34.

1 then Premier, Prince KONOYE, he thought that the use  
2 of such a pact lay mainly in the effect it would have  
3 on England and American regarding their Far Eastern  
4 policy. That SHIRATORI was not at all enthusiastic  
5 about the proposed Axis rapprochement may be seen from  
6 the fact that although he had three months in which  
7 to study the problem before leaving Japan for his  
8 post, he not only did not peruse or even ask for a single  
9 official document bearing on this matter or discuss  
10 it with anyone in position of responsibility at all.  
11 In short, just as he wrote the magazine article  
12 above mentioned as a sort of appeal or warning to  
13 America, so he regarded this proposed alliance  
14 principally as a gesture on Japan's part to awaken the  
15 democracies. It might be well to remind the Tribunal  
16 that Germany used these very same negotiations as  
17 a leverage to work out the Non-Aggression Pact with  
18 Russia.

19 About SHIRATORI's appointment as Ambassador  
20 to Italy, the witness UGAKI, the then Foreign Minister,  
21 testified to the following effect:

22 Toward the end of August, 1938, Premier  
23 KONOYE suggested to UGAKI that he appoint as Vice  
24 Foreign Minister, SHIRATORI, who was then on the  
25 waiting list as a minister plenipotentiary. While



1 UGAKI had no desire to remove the then Vice-Minister,  
2 he thought it a pity to leave SHIRATORI so long without  
3 any assignment --

4 Your Honor, it doesn't appear on my sheet  
5 but there was supposed to be a revised sheet of this  
6 which lists the dates from 28 April 1937 to the  
7 22nd of September 1938, it being on the waiting list.  
8 For some reason or other mine hasn't been inserted yet.

9 THE PRESIDENT: We have the revised sheet.

10 MR. CAUDLE: (Continued)

11 --from April 28, 1937 to September 22, 1938 --  
12 therefore UGAKI proposed to SHIRATORI the post of  
13 Ambassador to Italy. SHIRATORI showed reluctance at  
14 first, but consented a few days later, and was formally  
15 installed on 22 September 1938. In deciding upon this  
16 appointment, UGAKI never thought of specifically  
17 instructing SHIRATORI to conduct a negotiation looking  
18 to strengthening the Anti-Comintern Pact, nor to let  
19 him in any way put forth special efforts to induce  
20 Italy to participate in such a new agreement. In  
21 offering him the Rome post, therefore, no mention  
22 whatever was made of this matter. The question of  
23 strengthening the Anti-Comintern Pact was brought to  
24 the notice of the Japanese Government merely in the  
25 form of information from German quarters by the Japanese

1 Military Attache in Berlin, and not through any diplomatic  
 2 organ. The whole matter was still at a quite unofficial  
 3 and sounding stage as pertained to Japan. No mature  
 4 study had yet been made, nor a final conclusion  
 5 reached at that time. (75) Further, as will be brought  
 6 out later, Germany and Italy had already agreed on  
 7 the matter before SHIRATORI ever became in the least  
 8 way involved therein.

9 The prosecution, relying on Exhibit 3791-A,  
 10 (75-a) the entry of 16 June 1938 of HARADA Memoirs,  
 11 contended in the rebuttal that KONOYE told HARADA  
 12 the story that War Minister ITAGAKI persisted in  
 13 recommending to Foreign Minister UGAKI, SHIRATORI as  
 14 Vice Foreign Minister. This story was denied by the  
 15 witness UGAKI on his cross-examination by the prosecution.  
 16 (75-b)

17 Moreover, it is a hearsay of hearsay and, as  
 18 heretofore explained in our discussion of HARADA's  
 19 memoirs in the Manchurian part of SHIRATORI's defense,  
 20 the HARADA Memoirs have generally a very limited  
 21 credibility. Therefore, the sworn testimony of the  
 22 witness UGAKI on his cross-examination must be preferred  
 23 to any entry of HARADA Memoirs.

24 It is respectfully requested that the Tribunal  
 25 read in detail this entire exhibit; namely, 3791-A if  
 HARADA Memoirs are to be given any credit at all,

(75) Ex. 3580, T. 34,908-910; 35,033-34; 35,111.  
 (75-a) T. 37, 743-44 (75-b) T. 34,916.



1 because this document specifically shows that it was  
2 desirable from Prince KONOYE's viewpoint that  
3 SHIRATORI be made Vice Foreign Minister, in order  
4 to alleviate some of the pressure placed on Foreign  
5 Minister UGAKI by the field officers of the Army,  
6 necessitating UGAKI's having some means to hold them  
7 down, and yet appear to be cooperating with them.  
8 It further shows that ITAGAKI, the then Minister of  
9 War, was in favor of such a move. This apparently  
10 contradicts itself in that if ITAGAKI were the war  
11 monger the prosecution insists he was, and was  
12 supporting SHIRATORI then how is it that SHIRATORI was  
13 also to be used as a tool of UGAKI to keep the military  
14 in its place by nefarious methods, which we assume  
15 would be submitted by UGAKI?

16 To show further contradiction of any  
17 conspiracy at this time, this document states that  
18 SHIRATORI's personal conduct at that time was not of  
19 the best and for this reason the Navy was wholly  
20 opposed to him and said document quoted Vice Minister  
21 (Navy) YAMAMOTO especially as saying that in view  
22 of this fact - "We cannot keep such a man for official  
23 disciplinary reasons." Further, UGAKI is quoted as  
24 saying: "I have heard that SHIRATORI is to some extent  
25 very 'loose' with his finances. If he's acceptable

to the Army, he isn't to the Navy. This is really an  
 1 awkward situation."

2           The prosecution, relying on Exhibit 3794-A,  
 3 (75-c) the entry of 2 July 1938 of HARADA Memoirs  
 4 further contended in the rebuttal that OKAWA, Shumei,  
 5 recently brought a petition from the young officials  
 6 of the Foreign Ministry to UGAKI, the Foreign Minister,  
 7 urging the appointment of SHIRATORI as Vice Foreign  
 8 Minister. Witness UGAKI denied the story on his cross-  
 9 examination by the prosecution (75-d). Moreover, the  
 10 exhibit itself clearly shows that the above story was  
 11 merely a sort of gossip brought out when HARADA, Navy  
 12 Minister and Vice Minister, had a leisurely conversa-  
 13 tion for approximately two hours at the Navy Minister's  
 14 (75-c).

16           At this time we would like also to call the  
 17 attention of the court to the fact that SHIRATORI  
 18 never was appointed Vice Foreign Minister (75-f).  
 19 SHIRATORI arrived at Rome on the 29th of December 1938,  
 20 without any special instruction or even sufficient in-  
 21 formation about the proposed treaty with Germany and  
 22 Italy (76). He paid informally an inaugural call to

23 (75-c) T. 37,761  
 24 (75-d) T. 34,915 and 34,917  
 (75-e) T. 37,761  
 25 (75-f) Ex. 3575  
 (76) T. 35,034 and 34,941



1 Italian Foreign Minister Ciano on the 31st of the same  
2 month, and requested Ciano to arrange for presentation  
3 of his credentials to the Italian King (77). In early  
4 January 1939, Premier Prince KONOYE resigned and was  
5 replaced by Baron HIRANUMA, but SHIRATORI received no  
6 instruction from the new cabinet (78). SHIRATORI  
7 presented his credentials to the Italian King on the  
8 10th of January, 1939 (79). In this respect we would  
9 like to call the attention of the Court to the follow-  
10 ing passage on page 356 of "Treatise on International  
11 Law", Eight Edition, by William Edward Hall:

12 "A diplomatic agent enters upon the exer-  
13 cise of his functions from the moment, and from the  
14 moment only, at which the evidence that he has been  
15 invested with them is presented by him to the govern-  
16 ment to which he is sent, or to the agents of other  
17 governments whom he is intended to meet, and has been  
18 received by it or them. When he is sent to a specific  
19 state, the evidence with which he is required to be  
20 furnished consists in a letter of credence of which  
21 the object is to communicate the name of the bearer,  
22 to specify his rank as ambassador, minister pleni-  
23 potentiary, minister resident, or charge d'affaires,

24 (77) T. 34,920 and 35,036

25 (78) T. 35,036

(79) T. 34,918-919 and 34,920-921

to bespeak credit for what he will communicate in the  
1 name of his government."

2 It is quite clear, accordingly, that SHIRATORI  
3 could only enter upon the exercise of his functions as  
4 Japanese Ambassador to Italy from the 10th of January,  
5 1939.

6 (c) SHIRATORI had nothing to do with the  
7 negotiation for a Tripartite Pact until early 1939.

8 Under the above mentioned circumstances, it  
9 goes without saying that SHIRATORI had nothing to do  
10 with the initiation, the talk and the negotiation until  
11 early 1939, for a Tripartite Pact between Japan,  
12 Germany and Italy; also, he could not have anything  
13 to do with the matter.

14 As to Ribbentrop's telegram to Ambassador Ott  
15 (80), testimony of the witness USAMI (81), and of the  
16 witness OSHIMA (82), showed clearly the above-mentioned  
17 talk and negotiations were begun and carried on exclus-  
18 ively in Germany until early 1939. Furthermore, the  
19 witness NAGAI testified that, up until the arrival of  
20 SHIRATORI at Rome, the Japanese Embassy there was not  
21 in receipt of any official communication from any quart-  
22 ers concerning the three-power treaty then being mooted

23 (80) T. 6097-6102.  
24 (81) T. 33,731-744  
25 (82) T. 33,997-34,014



1 in Berlin, although SAKAMOTO, Charge d'Affaires, was  
 2 said to have privately acquired some knowledge about  
 3 the matter from the Military and Naval Attaches, and  
 4 that SHIRATORI, who had not brought with him any  
 5 written instructions of the Japanese Government, said  
 6 to the witness that the whole affair had now become  
 7 clear to him as a result of the detailed account given  
 8 him by both SAKAMOTO and the Attaches (83).

9 (d) The prosecution insisted that prior to  
 10 the arrival of SHIRATORI at Rome, both Ribbentrop  
 11 and OSHIMA had failed in their efforts to bring Italy  
 12 into agreement for a Tripartite Alliance (84).

13 However, "Ciano Diary" clearly shows that  
 14 exactly at the time of SHIRATORI's arrival in Rome,  
 15 Mussolini decided on the 1st of January, 1939 (or  
 16 maybe on the 31st of December, 1938) to accept Ribben-  
 17 trop's proposal to transform the Anti-Comintern Pact  
 18 into an alliance and that he wished the alliance to be  
 19 signed during the last third of January (85). Ciano's  
 20 Diary shows further that Ciano informed Ribbentrop by  
 21 telephone of the aforesaid decision of Mussolini on the  
 22 2nd of January, 1939 (86), and that he also informed  
 23 von Mackensen, the German Ambassador to Italy, (87),  
 24

25 (83) T. 34,940-941  
 (84) T. 16,914  
 (85) T. 34,922

(86) T. 34,922-923  
 (87) T. 34,924; refer also to  
 Mackensen's memo (T.  
 34,926-27).

1 of the same decision. It is quite clear that SHIRATORI  
2 had nothing to do with bringing Italy into agreement  
3 for a Tripartite alliance.

4 (e) Ciano Diary offered in evidence by the  
5 prosecution:

6 The prosecution offered in evidence against  
7 SHIRATORI excerpts from "Ciano Diary;" Ex. 499-A;  
8 that is, entry for the 7th of January, 1939 (88), and  
9 Ex. 501; that is, entries of the 6th of February and  
10 the 6th and 8th of March, 1939 (90). These entries  
11 reflect only Ciano's one-sided viewpoint. The best  
12 evidence of SHIRATORI's official acts and advices to  
13 his government would be the telegraphic reports which  
14 SHIRATORI sent from Rome at that time, as Japanese  
15 Ambassador to Italy. But the defense could not offer  
16 them because these telegrams were destroyed by fire  
17 and exist no more, as shown by defense Exhibit 3586 (91).

18 SHIRATORI does not remember ever meeting  
19 Baron HIRANUMA before he left Japan for Rome in  
20 November, 1938, and he had no knowledge or information  
21 about HIRANUMA's diplomatic views at that time. The  
22 entry in Ciano's Diary to the effect that SHIRATORI  
23 told Ciano that the new Premier HIRANUMA was openly

24 (88) T. 6092  
25 (90) T. 6095-97  
(91) T. 34,931-32



in favor of the tripartite alliance, is not true (92).

1 SHIRATORI was received by Mussolini and paid  
2 his respects to the latter on the 6th of January, 1939.  
3 At that time SHIRATORI had no instructions either of  
4 the KONOYE Cabinet or of the new HIRANUMA Cabinet,  
5 and, moreover, he was not qualified to act as Ambassador,  
6 as his credentials were not yet presented. At that  
7 interview Mussolini did all the talking and would  
8 scarcely allow SHIRATORI to say anything beyond chiming  
9 in occasionally. It seems that Ciano attributed to  
10 SHIRATORI some of the things said by his father-in-law  
11 on that occasion. Nothing that SHIRATORI gave them to  
12 understand warrants the statement contained in exhibit  
13 499-A (93), that he was greatly in favor of the tri-  
14 partite alliance, which he regarded as a weapon to  
15 force Great Britain to concede "(the many things she  
16 owed to us all." (94) After the interview, SHIRATORI  
17 told the witness NAGAI that he was surprised to know  
18 that Mussolini was all for the proposed treaty, going  
19 so far as to expect its consummation within a few  
20 weeks, and that inasmuch as a final decision in this  
21 matter had first to be made by the Japanese Government,  
22 he tried somewhat to dampen Mussolini's zeal (95).

24 (92) T. 35,034-35

(93) T. 6092

25 (94) T. 35,036-37

(95) T. 34,941

That being the case, SHIRATORI could not possibly  
 1 have assumed the forward attitude ascribed to him  
 2 by Ciano in the aforesaid Exhibit 499-A. (96)

3 As to the later entry in Ciano Diary tendered  
 4 in evidence by the prosecution, (97) we will explain  
 5 afterwards.

6 (f) Instruction brought by the ITO Mission:  
 7 The first instruction which SHIRATORI ever  
 8 received from his Government in regard to the proposed  
 9 tripartite pact was that which was brought by the  
 10 ITO Mission at the end of February, 1939. This  
 11 instruction was addressed to both ambassadors, OSHIMA  
 12 and SHIRATORI, and was transmitted to them together  
 13 in Berlin. (98)

14 The main part of the Japanese counter-draft  
 15 of the Tripartite Pact contained in this instruction  
 16 was the same as paper No. 1 of Exhibit No. 2619, (99)  
 17 consisting of the following three documents:  
 18

19 (A) the pact proper; namely, the pact of  
 20 consultation and assistance between Japan, Italy and  
 21 Germany.

22 (B) the signing protocol, and (100)

23 (C) the secret accessory protocol.

24 96. T. 35,037-038  
 25 97. T. 6096, Ex. 501  
 98. Refer to evidence given by witness OSHIMA (T. 34,000-002), by witness USAMI (T. 33,732-36) and by witness NAGAI (T. 34,941-43).  
 99. T. 22,539-550  
 100. T. 33,747-48; see T. 34,000



Further, according to the instruction, no limitation or condition was placed on the duty of mutual assistance, in so far as the pact to be published was concerned. However, the following two secret understandings or reservations were to be annexed to the pact, and OSHIMA and SHIRATORI were specially instructed to try and obtain the concurrence of the German and Italian Governments to these reservations:

1) That Japan would not render any military assistance in case Germany and Italy were attacked by countries other than Soviet Russia, unless these countries had turned communistic, and

2) Explanation would be given to third parties to the effect that this pact was an extension (101) of the Anti-Comintern Pact.

As will be explained later, the above mentioned draft pact itself; that is, the pact proper and the two protocols, was a very weak and harmless treaty which, according to SHIRATORI's opinion, would by no means drag Japan, against her will, into a war of Germany's or Italy's making, and, moreover, the existence or possibility of which, so SHIRATORI thought, would contribute to a speedy peaceful solution of the 101. T. 34,002-003; 33,736-737, and 34,942-43.

1 China Affair. Further, the proposed pact contained  
2 nothing that would prevent Japan's entering into a  
3 separate arrangement with Great Britain and America  
4 concerning China and the Far East. (102) There was  
5 also reason to expect that Germany and Italy would  
6 agree to the Japanese draft-pact. However, the above-  
7 mentioned reservation No. 1 was in fact going to limit  
8 the duty of military assistance to cases where Soviet  
9 Russia was involved, and SHIRATORI was of the opinion  
10 that not only was there no prospect for such unilateral  
11 reservations ever to be entertained by the German and  
12 Italian Governments, but it would be a disgrace to  
13 Japanese diplomacy to leave on record a proposal which  
14 clearly amounted to taking back with the left hand  
15 that which was offered with the right. He cabled  
16 his view to the Japanese Government and requested it  
17 to reconsider the matter. (103) That Ambassadors  
18 submit now and then their opinions to their governments,  
19 is a fact which occurs in every country, and which is  
20 clearly allowed by law in Japan. (104)

- 21  
22  
23  
24  
25
102. T. 35,040.  
103. T. 34,942-43; 33,738-39 and 35,040-041.  
104. T. 34,003-004; 34,054 and 35,040-041.



1 Now, Ciano stated in his diary that SHIRATORI<sup>105</sup>  
 2 advised him not to accept the Japanese counter-proposal.  
 3 But this is a very unkind way of interpreting SHIRATORI's  
 4 words, which were merely to the effect that he was  
 5 afraid Japanese counter-proposal would be unacceptable  
 6 to Ciano, but that Ciano did not have to take it as the  
 7 final word.<sup>106</sup>

8 Ciano stated further that SHIRATORI told Ciano  
 9 that he refused to communicate through official channels,  
 10 that he asked Tokyo to accept the Pact of Alliance  
 11 without reservation, and that otherwise he would resign  
 12 and bring about the fall of the cabinet.<sup>107</sup>

13 And apparently relying on this entry of the  
 14 Ciano Diary, as well as on Ribbentrop's telegram to  
 15 Ott,<sup>108</sup> the prosecution insisted that SHIRATORI advocated  
 16 an all-out military alliance without reservations; that  
 17 he endeavored to impose his convictions upon the Japa-  
 18 nese Government, and to influence and direct Japanese  
 19 policy with regard thereto;<sup>109</sup> that he refused to follow  
 20 the advice of the ITO Mission and to communicate the  
 21 compromise proposal of the Japanese Government through  
 22 official channels, and that he threatened to cause the  
 23

24 (105. Ex. 501, T. 6096.  
 25 106. T. 35038.  
 107. Ex. 501, T. 6096.  
 108. Ex. 502, T. 6100.  
 109. T. 16914.)

fall of the cabinet by resigning from his post unless  
110  
the government reconsidered its stand.

It goes without saying that such insistences  
of Ciano, of Ribbentrop and of the prosecution have been  
contradicted more than sufficiently by the above ex-  
planation. Moreover, as the witness NAGAI testified,  
SHIRATORI never threatened the Japanese Foreign Minister  
111  
with resignation.

(f-1) Exhibit 3797-A, 111-a which was intro-  
duced by the prosecution and quoted from in paragraph  
UU-50 of its surmation, states as follows, in part:  
"Therefore, no matter what they (Ambassadors to Rome  
and Berlin) might say, the (Japanese) Government cannot  
cancel its decision. All we have to do is to change  
the Ambassadors if they are going to rush to conclusions  
and say that the decisions (of the Japanese Government)  
will not do. As for the transfer of Ambassadors, I would  
like to carry it out after the close of the present  
session of the Diet. In all cases we wired back instruc-  
tions to both (Ambassadors) to do as recommended by the  
Japanese Government. . . .In all likelihood, the Premier  
is presumably of the same opinion." And so you find  
another glaring inconsistency and gross misstatement by  
(110. T. 16915; Ex. 501, T. 6096; Ex. 502, T. 6100.  
111. T. 34045.  
111-a. T. 37,773.)



1 by Ciano, who evidently knew little or willingly diverted  
2 his writings from the truth.

3 The prosecution insisted that this document  
4 was tendered in evidence in rebuttal to contradict the  
5 testimony of defendant OSHIMA, <sup>111-b</sup> in which he denied  
6 receiving instructions from the Foreign Ministry between  
7 arrival of the ITO Commission in Berlin in the latter  
8 part of March, 1939, to do as recommended by the  
9 <sup>111-c</sup> Japanese Government.

10 Now, the witness USAMI testified that in reply  
11 to the instruction brought by Minister ITO late in  
12 February, 1939, OSHIMA and SHIRATORI submitted their  
13 opinions to Foreign Minister ARITA early in March, and  
14 that late in March ARITA in turn wired a new instruc-  
15 tion, but that it was not true that in the meantime,  
16 that is, between the beginning and end of March, 1939,  
17 ARITA sent an instruction to the Japanese Embassy in  
18 Berlin, urging it to carry on the negotiations pursuant  
19 to the original instruction brought by ITO. <sup>111-d</sup> And  
20 as witness NAGAI testified, the negotiations for the  
21 Tripartite Alliance were carried on almost exclusively  
22 in Berlin, <sup>111-e</sup> and, further, the testimony of Stahmer  
23 on examination by counsel for SHIRATORI stated that  
24

25 (111-b. T. 34129.

111-c. T. 37771.

111-d. Ex. 3908, T. 38872.

111-e. Refer to item (h) of Chapter V.)

Italian negotiations were carried on almost entirely by  
1 Hitler and Ribbentrop with Mussolini and Ciano, record  
2 24,482. Therefore, SHIRATORI could not have received  
3 any instruction from ARITA, which was not sent to  
4 OSHIMA at the same time. In reality, he also did not get  
5 any such instruction as mentioned in exhibit 3797-A.  
6

7       Apart from the general incredibility of HARADA  
8 Memoirs, about which we will treat later, this also  
9 shows how HARADA wrote incorrectly. It might be that  
10 ARITA, in reality, had not yet "wired back instructions  
11 to both (Ambassadors)" at that time, and that he could  
12 not do so as it was only presumed that the Prime  
13 Minister was of the same opinion, but there was no  
14 certainty of such a fact.

15       (g) New Instruction of the Japanese Government.

16       In answer to the opinion submitted by OSHIMA  
17 and SHIRATORI, as to the instruction brought by ITO  
18 Mission, a new instruction of the Japanese Government,  
19 revising the original text of the secret understandings  
20 or reservations arrived at Berlin and Rome at the end of  
21 March, 1939. The gist of this new instruction was as  
22 follows: The secret understanding or reservation No. 1  
23 was revised to the effect that although Japan accepted  
24 the duty of military assistance also in case Germany  
25 and Italy were attacked by countries other than Soviet



1 Russia, she would not be able to carry it out effect-  
 2 ively for the time being. As to the secret understand-  
 3 ing or reservation No. 2, Japan wanted to reserve that,  
 4 in case inquiries were made by third parties, Japan  
 5 would explain that, as far as Japan was concerned, she  
 6 had nothing in view but the destructive activities of  
 7 the communist International in concluding this treaty. <sup>112</sup>

8 SHIRATORI communicated the Japanese instruc-  
 9 tion to the Italian Government in early April, 1939, as  
 10 the entry for April 2, 1939, of the Ciano Diary relates. <sup>113</sup>  
 11 It is therefore patent that the prosecution's insistence,  
 12 relying on exhibit 502, that in April the Japanese  
 13 Government reconsidered its stand and presented a new  
 14 draft of the treaty, and that SHIRATORI again refused to  
 15 communicate officially the Japanese Government's proposal  
 16 to the nation to which he was accredited, <sup>114</sup> is not true.

17 Germany and Italy accepted the Japanese pro-  
 18 posal insofar as the pact proper, the signing protocol  
 19 and the secret accessory protocol was concerned, but  
 20 showed reluctance to accept the secret understandings  
 21 or reservations. <sup>115</sup> Their opinion was that such matters  
 22 as mentioned in the reservations should and could be  
 23 referred to agreements to be made by the conferences of  
 24

25 (112. T. 34005-6; 33739.

113. T. 34946-48.

114. T. 16915-16; see also Ex. 502, T. 6100.

115. T. 34947-48, 34006-7, 33739-40.)

the three contracting countries envisaged in the Pact.

(h) Later Negotiations.

The negotiations thereafter were confined exclusively to exchanging arguments concerning the Japanese reservations<sup>117</sup> and these reservations were largely accepted by Germany and Italy, the only point of difference that remained to be adjusted narrowing down to whether these reservations were to be committed to black and white, or to remain an oral understanding.<sup>118</sup> The papers Nos. 3 and 4 of exhibit 2619<sup>119</sup> were a tentative draft, and so-called "Gaus Draft," drawn up by German and Japanese experts at Berlin on the basis of the Japanese reservations, but this Gaus Draft was not accepted<sup>120</sup> by the Japanese Government.

The Italian Government practically left to Berlin the entire matter of the Tripartite Treaty, and there was not much in the way of exchange of views or negotiation between SHIRATORI and either Mussolini or Ciano. SHIRATORI informed the witness NAGAI at one time "that Ciano had told him with cynicism that the whole question was in the 'able' hands of the German Foreign Minister. Such being the case, the negotiations were

(116. T. 33739-40, 34006-7, 34937.

117. T. 34954.

118. T. 35041, 33740-41, 33748-50, 34008-9, 34011-12.

119. T. 22548-50.

120. T. 34008-9, 33740-41, 33748-50, 22541.



carried on almost exclusively in Berlin and the part that SHIRATORI played was confined mainly to making suggestions or advancing views to the Foreign Ministry in Tokyo." <sup>121</sup>

The entire negotiation was finally terminated, due to the conclusion of the German-Russian Non-Aggression Pact on 23 August 1939 about which we will explain later. <sup>122</sup>

(i) Conclusion of the Italo-German Alliance.

Ciano wrote in his diary as follows:

(A) February 3, 1939 - that Mussoline was discontented with the Japanese delays in concluding the Tripartite Alliance and regretted the way in which Ribbentrop lightly assumed that Japan would agree to conclude the pact. Mussolini thought it might be a good idea to conclude a double alliance, without Japan, and leave Japan to face Anglo-French forces alone. In this case, the pact would have no anti-British or anti-American flavor whatsoever. <sup>123.</sup>

(B) March 3, 1939 - that Mussoline and Ciano discussed the Tripartite Alliance. New delays were caused by Japanese red tape and formality. Mussolini was always more in favor of the bilateral alliance with Berlin, leaving Tokyo out. Italo-German alliance with

(121. T. 34944-5; refer also to testimony of Stahmer,

T. 24482.

122. T. 34012, 33741.

123. T. 34928-30.)

1 Japan would push the United States into the arms of the  
2 western democracies once and for all. Mussolini wanted  
3 to speed up the German-Italian alliance.  
4

5 (C) April 25, 1939 - that news arrived from  
6 Berlin that Japan persisted in their reservations with  
7 respect to the triple alliance; therefore, the signing  
8 was postponed sine die. Mussolini said that he was just  
9 as glad; actually for sometime he had considered Japan's  
10 adherence more harmful than useful.  
11

12 (D) May 6 and 7, 1939 - Mussolini asked Ciano  
13 to have the bilateral pact announced which he had  
14 always preferred to the Triangular Alliance. Ribbentrop,  
15 who at the bottom of his heart, had always aimed at the  
16 inclusion of Japan in the pact, at first demurred, but  
17 then ended by giving in with the reservation that he  
18 must obtain Hitler's approval. Hitler called on the  
19 telephone, gave his immediate approval.  
20

21 This pact of friendship and alliance between  
22 Germany and Italy was signed on the 22nd of May, 1939.  
23

24 (j) Conclusion of the Non-Aggression Pact  
25 Between Germany and U.S.S.R; Negotiations for a Tri-  
Partite Pact Failed Completely and No Results Were  
Obtained.

SHIRATORI anticipated that the Nazi Government

(123. T. 34928-30.  
124. T. 6120-22.)



1 would make full use of the proposed alliance in their  
 2 diplomatic maneuvers in Moscow and wired to Tokyo more  
 3 than once that a rapprochement between Soviet Russia  
 4 and Germany was quite possible and that Japan must not  
 5 forget the policy pursued by Kaiser Wilhelm II, who  
 6 abetted the Czarist Russia in her Far Eastern adventures  
 7 by guaranteeing her rear in the west, but his submission  
 8 was entirely disregarded.<sup>125</sup> All efforts for a Tri-  
 9 partite Pact failed completely. The conclusion of the  
 10 German-Russian Non-Aggression Pact on 23 August 1939  
 11 struck Japan as a surprising blow and caused the resign-  
 12 ation of the HIRANUMA Cabinet. All negotiations with  
 13 Germany and Italy about the alliance were stopped, and  
 14 relations between Germany and Japan cooled down to a low  
 15 degree.<sup>126</sup>

16 SHIRATORI did not advise Ambassador OSHIMA not  
 17 to execute the instruction from Tokyo to lodge a protest  
 18 with the German Government over the German-Soviet Non-  
 19 Aggression Pact, as exhibit 2232 states.<sup>127</sup> SHIRATORI  
 20 had suggested to Foreign Minister ARITA that the pro-  
 21 test should be presented by himself to Ambassador Ott  
 22 for transmission to Berlin, as it would be too cruel  
 23 thus to make OSHIMA "drink boiling water" in addition to  
 24

25 (125. T. 35042, 34943.  
 126. T. 34854-5, 34865, 33743.  
 127. T. 16006.)

1 his great chagrin at the German-Soviet rapprochement.  
 2 Accordingly, SHIRATORI telephoned to OSHIMA to suggest  
 3 that he might wait until Tokyo was further heard from.  
 4 There was no need to play for time as so absurdly pro-  
 5 pounded by the prosecution,<sup>128</sup> as all negotiations  
 6 ceased in toto, and the time element did not enter into  
 7 the matter. Further, no delay occurred in the notifi-  
 8 cation of the German Government concerning Japan's  
 9 feelings in the matter because only a day afterwards,  
 10 namely, 25 August 1939, Ambassador Ott telegraphed to  
 11 his Government that the Japanese Foreign Minister handed  
 12 him copies of the following instructions he had sent to  
 13 OSHIMA on the same day: "To inform the German Govern-  
 14 ment that the Japanese Government had interpreted the  
 15 conclusion of the Non-Aggression Pact as finally term-  
 16 inating the present negotiations between Japan and  
 17 Germany for a Tripartite Pact with Italy."<sup>129</sup>

18 Furthermore, Ambassador HORINOUCI stated to  
 19 U. S. State Secretary Cordell Hull on 26 August 1939  
 20 that, speaking personally, he might say his Government  
 21 had decided on the previous day to abandon any further  
 22 negotiations with Germany and Italy relative to closer  
 23 relations under the Anti-Comintern Pact to which they

25 (127-a. T. 35045.  
 128. UU-63 of prosecution surmation.  
 129. T. 6122.)



had been parties for some time.

1 (k) No Casual Relations Existed Between the  
2 Negotiations in 1938-39 and the Conclusion of the Tri-  
3 partite Pact of 27 September 1940. This is quite clear  
4 from the following facts:

5 (A) As explained in item (i) above, SHIRATORI  
6 activities in Italy were entirely fruitless. Moreover,  
7 SHIRATORI had little contact with the Italian side; he  
8 had made few, if any, acquaintances in the political  
9 and social circles in Rome, and above all, he did not  
10 have any intercourse with the leaders of the Fascist  
11 Party and of the Italian Army and Navy.<sup>131</sup> Therefore,  
12 it must be said that SHIRATORI contributed very little  
13 to the Italo-Japanese rapprochement. SHIRATORI, as  
14 Ambassador to Italy and not to Germany, had no duties to  
15 work for collaboration of Germany and Japan and did  
16 nothing for that. He saw Ribbentrop only on two  
17 occasions, in April and in June, 1939. Ribbentrop could  
18 not know SHIRATORI very well.<sup>132</sup> The prosecution has  
19 produced no evidence that SHIRATORI ever saw Hitler.  
20

21 (B) As explained in item (j) above, the negoti-  
22 ations for a Tripartite Pact failed, and terminated  
23 finally, no results were obtained, and German-Japanese  
24 relations cooled down to a low degree, due to the

25 (130. T. 34197; see also item 9 of Appendix C of the  
Indictment. 131. T. 34945.  
132. T. 34137, 24481-2, 34128-9.)

conclusion of the German-Russian Non-Aggression Pact.

1 (C) The change in the Japanese public senti-  
2 ment in favor of the Axis in the late spring of 1940  
3 was solely due to the German victories in Europe and the  
4 strong economic measures taken by the United States  
5 against Japan. 133

6 (D) Foreign Minister MATSUOKA seemed deter-  
7 mined from the outset that no person, not excepting  
8 Premier KONOYE himself, should share with him either the  
9 blame or the credit for the new diplomatic venture for  
10 rapprochement with the Axis powers, which he was embark-  
11 ing upon. He was particularly secretive or exclusive in  
12 the conduct of the negotiations with Stahmer and Ott for  
13 the Tripartite Pact. He made it a point of distinguish-  
14 ing this pact from that abortive attempt of 1938-39, and  
15 refused to study documents or consult persons that had  
16 anything to do with the previous negotiations. 134

17 MATSUOKA stated at an Imperial Conference  
18 regarding the conclusion of the Tripartite Pact of 27  
19 September 1940 that the fundamental principle of his  
20 negotiations with Germany was entirely different from  
21 that of HIRANUMA Cabinet days. 135.

22 (E) Prince KONOYE stated in his article "On  
23

24 (133. T. 34855.  
25 134. T. 35049.  
135. T. 6341.)



the Tripartite Alliance" that, inasmuch as the alliance  
 1 of September, 1940, was to be directed against Great  
 2 Britain and the United States and not against the  
 3 U.S.S.R., as in the previous year, there was a funda-  
 4 mental difference in nature between the two plans. 136.

5 (1) The Draft Tripartite Pact Considered in  
 6 1939 Was a Weak and Harmless One.

7 The prosecution insisted that SHIRATORI advo-  
 8 cated an all-out military alliance without reservations. 137  
 9 But that is not true. The Tripartite Pact advocated by  
 10 SHIRATORI was a weak and harmless one, as explained  
 11 hereunder.  
 12

13 As shown in item (f) above, the main part of  
 14 the Japanese draft of the Tripartite Pact contained  
 15 in the instruction brought by the ITO Mission was the  
 16 same as paper No. 1 of exhibit 2619, 138 consisting of  
 17 the three documents; namely, the pact proper, the  
 18 signing protocol and the secret accessory protocol,  
 19 which were accepted by Germany and Italy at an early  
 20 stage of the negotiation. 139 An analysis of these  
 21 documents shows the following:

22 (A) the title of the Pact proper was "Pact  
 23 of Consultation and Assistance between Japan, Italy and  
 24

25 (136. T. 24291

137. T. 16914; Ex. 501, T. 6095.

138. T. 22539-50.

139. See also item (g) above.)

1 Germany."

2 (B) the draft preamble of the Pact proper  
3 left no room to doubt that the Pact was to be primarily  
4 directed towards the Comintern and Soviet Russia.

5 (C) as the witness USAMI testified, the Pact  
6 was not to be directed against the United States. <sup>140</sup>

7 (D) Article I of the Pact proper stipulated:

8 "In case one of the contracting powers should  
9 be drawn into difficulties by the attitude of a power  
10 or powers not party to this Pact, the contracting powers  
11 shall enter forthwith into a consultation concerning  
12 measures to be taken jointly."

13 (E) Article II of the Pact proper stipulated:

14 "In case one of the contracting powers should  
15 be threatened without provocation by a power or powers  
16 not party to this Pact, the other contracting powers  
17 engage to render to the threatened power political and  
18 economic support for the removal of this threat."  
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1 Paragraph 1 of Article III of the Pact  
2 proper stipulated: "In case one of the contracting  
3 powers should become object of an unprovoked attack  
4 on the part of a power or powers not party to this  
5 pact, the other contracting powers engage to render  
6 their help and assistance."

7 The above-mentioned stipulations clearly  
8 limit the obligation to render political and economic  
9 support or to render help and assistance, including  
10 military assistance, to cases in which unprovoked  
11 threatening or attack was made on one of the con-  
12 tracting powers. And as such unprovoked threatening  
13 or attack was extremely unlikely to be started by  
14 England or France, the above stipulations afforded  
15 ample guaranty against Japan's involvement in an  
16 aggressive war in Europe.<sup>141.</sup>

17 (F) Paragraph 2 of Article III of the Pact  
18 proper stipulated: "The three contracting powers  
19 shall in this case forthwith consult and decide the  
20 necessary measures for carrying out the obligation  
21 provided in the foregoing paragraph."  
22

23 Further, item (A) of "Secret Accessory  
24 Protocol" stipulated: "Concerning Articles II and III  
25 of the Pact, the competent authorities of the three

1 contracting powers shall examine in advance, as soon  
2 as possible after the Pact becomes effective, what  
3 individual possibilities of conflict exist and in what  
4 manner and to what extent the contracting powers  
5 shall render each other support or help and assistance  
6 according to the geographical circumstances."

7 According to these stipulations, support or  
8 help and assistance would not be rendered automatical-  
9 ly, but the matter would be examined and decided by a  
10 conference of representatives of the three countries.<sup>142.</sup>

11 This fact constitutes the second guaranty against  
12 Japan's involvement in an aggressive war in Europe.

13 (G) The above-mentioned draft Tripartite  
14 Pact brought by the ITO Mission and accepted by  
15 Germany and Italy, contained no stipulation to the  
16 effect that the three powers should secure the domina-  
17 tion of the whole world, each having special domination  
18 in its own sphere, and that for that purpose the  
19 three powers should mutually assist one another, as  
20 stated in the Indictment.

21 (H) Thus, it is clear that the draft Tri-  
22 partite Pact was not an all-out military alliance,  
23 but was a very weak and harmless document, partaking  
24 more of the character of a treaty of mutual  
25 142. See also Tr. 34935-938.



1 consultation and assistance than of a military  
2 alliance.<sup>143.</sup> It cannot be a crime to conclude or  
3 to advocate such a pact, with or without the reserva-  
4 tions mentioned in item (f) above. SHIRATORI cabled  
5 his view against these reservations to the Japanese  
6 Government and requested it to reconsider the matter,<sup>144.</sup>  
7 but this fact cannot possibly be a crime.

8 As shown in item (g) above, a new instruction  
9 of the Japanese Government, revising the original  
10 Japanese reservations brought by the ITO Mission,  
11 arrived at Berlin and Rome at the end of March 1939,  
12 and SHIRATORI did not oppose this new instruction, but  
13 communicated it to the Italian Government early in  
14 April 1939. As a result of negotiations concerning  
15 the new Japanese reservations, as shown in item (h)  
16 above, the point of difference between Japan on one  
17 side and Germany and Italy on the other, narrowed  
18 down to whether these reservations were to be committed  
19 to black and white, or to remain an oral understanding.  
20 That, however, appeared to SHIRATORI such a trivial  
21 matter, after all, that it was beyond his comprehension  
22 why both sides contested that point so stubbornly to  
23 the last. He considered that an oral understanding was

24 143. Tr. 35040.

25 144. See item (f) above.

consultation and assistance than of a military alliance.<sup>143.</sup> It cannot be a crime to conclude or to advocate such a pact, with or without the reservations mentioned in item (f) above. SHIRATORI cabled his view against these reservations to the Japanese Government and requested it to reconsider the matter,<sup>144.</sup> but this fact cannot possibly be a crime.

As shown in item (g) above, a new instruction of the Japanese Government, revising the original Japanese reservations brought by the ITO Mission, arrived at Berlin and Rome at the end of March 1939, and SHIRATORI did not oppose this new instruction, but communicated it to the Italian Government early in April 1939. As a result of negotiations concerning the new Japanese reservations, as shown in item (h) above, the point of difference between Japan on one side and Germany and Italy on the other, narrowed down to whether these reservations were to be committed to black and white, or to remain an oral understanding. That, however, appeared to SHIRATORI such a trivial matter, after all, that it was beyond his comprehension why both sides contested that point so stubbornly to the last. He considered that an oral understanding was

143. Tr. 35040.

144. See item (f) above.



sufficient,<sup>145.</sup> and urged the Japanese Government  
 1 not to attach too much importance to their formula  
 2 of reservations, inasmuch as the stipulations con-  
 3 tained in the text itself afforded ample guarantee  
 4 against involvement in an aggressive war in Europe,  
 5 which was extremely unlikely to be started by England  
 6 or France.<sup>146.</sup> The papers Nos. 3 and 4 of exhibit  
 7 2619 were a tentative draft drawn up by German and  
 8 Japanese experts at Berlin on the basis of the  
 9 Japanese reservations.<sup>147.</sup>  
 10

11 Now, the gist of No. 1 of the Japanese  
 12 reservations contained in the aforesaid new Japanese  
 13 instruction was as follows:<sup>148.</sup> -- that although Japan  
 14 accepted the duty of military assistance only in  
 15 cases when Germany and Italy were unprovokedly  
 16 attacked by countries other than Soviet Russia, she  
 17 would not be able to carry it out effectively for  
 18 the time being.

19 And paper No. 4 (draft of a formulated  
 20 declaration to be made verbally by the Japanese  
 21 Ambassador before signing) of exhibit 2619 reads as  
 22 follows:<sup>149.</sup>  
 23

24 145. Tr. 35116-117.

146. Tr. 35041, 35042-043.

25 147. English translation of paper No. 3 was partly  
 corrected by Language Arbitration Board on  
 December 2, 1947, Tr. 34318.

148. See item (g) above. 149. Tr. 22541, 22550.

1 "On instruction by my Government, I ask  
2 your Excellency to take note that Japan can carry  
3 out the obligations, accepted in Article III of the  
4 pact, to render help and assistance in a military  
5 respect at the present and in the immediate future  
6 only to a restricted extent. The details as to the  
7 military assistance to be rendered from time to time  
8 in the future, shall be reserved to the discussions  
9 provided in the secret accessory protocol."

10 It is quite clear that the above-mentioned  
11 stipulations, that is, No. 1 of the new Japanese  
12 reservations or paper No. 4 of exhibit 2619, consti-  
13 tute the third guarantee against Japan's involvement  
14 in an aggressive war in Europe.

15 Moreover, the witness USAMI testified that  
16 SHIRATORI had never advocated an alliance of contents  
17 stronger than the draft, exhibit 2619, and that there  
18 was no one else who advocated an alliance stronger  
19 than that draft during the negotiations.<sup>150</sup> Therefore,  
20 the strongest draft tripartite pact ever considered by  
21 anyone during the negotiations in 1939 was the draft,  
22 exhibit 2619, which in reality was, as clearly shown  
23 above, a very weak and harmless one, partaking more of  
24 the character of a treaty of mutual consultation and  
25



1 assistance then of a military alliance. We would  
 2 like, in this matter, also to refer to SHIRATORI's  
 3 lecture at the Imperial University Alumni Association  
 4 in February 1940.<sup>151.</sup>

5 (1-1) The problem of the so-called "war  
 6 participation" of Japan: The prosecution's exhibit  
 7 3798-A, an excerpt from HARADA Memoirs under date of  
 8 18 April 1939, was tendered in rebuttal substantially  
 9 for the following purposes:<sup>151-a.</sup>

10 (A) To contradict the testimony of OSHIMA<sup>151-b.</sup>  
 11 in which he denied making the statement to Ribbentrop  
 12 that Japan would probably participate in war;

13 (B) To contradict the testimony of  
 14 SHIRATORI<sup>151-c.</sup> where he testified that: "I never  
 15 for a moment imagined that such a pact would by any  
 16 means drag Japan against her will into a war of  
 17 Germany's or Italy's making."  
 18

19 And again: "As to accusations that I acted  
 20 contrary to instructions from my government, I can  
 21 state with truth that there was not a single instance  
 22 of any such delinquency on my part."

23 HARADA wrote in exhibit 3798-A that the  
 24 151. Tr. 34935-938; language corrections by Language  
 Arbitration Board on 12 August 1947.

25 151-a. Tr. 37773-774; 37777-778.

151-b. Tr. 34135.

151-c. Tr. 35040.

Foreign Minister (ARITA) reported to the Emperor on the afternoon of the 8th as follows:

"Ambassadors OSHIMA and SHIRATORI made a clarification, which represented their own opinion only, to Germany and Italy of the Empire's intention to fight in the event that these should wage war with England and France, but they should be made to take this back considering that they acted without regard to the wishes of the central authorities and that their words and actions overstepped /their authority/.<sup>151-d.</sup>"

The following prosecution's exhibits (A)-(F) tendered in rebuttal also relate to the same problem of the so-called Japan's war participation:

<sup>151-e.</sup>  
(A) Exhibit 3798-B: This is an excerpt from HARADA Memoirs under date of 18 April 1939 and its gist is as follows: Day before yesterday, that is, on the 10th, when the Foreign Minister visited the Palace after the Five Ministers' Conference held a few days ago, the Emperor made an inquiry about the progress of the meeting to the Foreign Minister.

Prior to this, the Emperor had learned of the opposition made to governmental instructions by both

Ambassador OSHIMA and SHIRATORI concerning the problem

151-d. Tr. 37779.  
151-e. Tr. 37779-780; 37782-784.



of Japan's war participation. On 11 April 1939 the Emperor declared to the War Minister ITAGAKI that the action of OSHIMA and SHIRATORI in expressing intentions of participating in war constituted an infringement upon the supreme authority of the Emperor, and he expressed his extreme displeasure with the War Minister's attitude of supporting them under such circumstances.

With respect to this document, the Court's attention is respectfully called to the spurious nature, and the haphazard manner in which this purported conversation between ARITA and HARADA was recorded, which upon its face shows that HARADA could not possibly have been correct in quoting a conversation with ARITA, word for word, which said conversation took place on the 11th of April and the word-by-word description thereof dictated in a careless manner on the 18th of April, fully a week later. We respectfully refer the prosecution to those items mentioned in Section I, General, of this summation, wherein the witness, Mrs. KONOYE, testified on cross-examination to the manner in which HARADA dictated his so-called Memoirs, and the manner in which she, as his secretary, took them down, she stating, among other things, that they were corrected and recorrected

1 by various other people who were not even present  
2 when the alleged conversation took place. Again I  
3 refer to KIDO's summation, the record pages of which  
4 we do not have now.

5 (B) Exhibit 3800-A: <sup>151-g.</sup> This is an excerpt  
6 from HARADA Memoirs under date of 5 May 1939 and  
7 contains a passage to the effect that on 25 April  
8 1939, after the Five Ministers' Conference, ARITA  
9 told HARADA that an urgent request had come from both  
10 Ambassadors (OSHIMA and SHIRATORI) for their recall;  
11 that, therefore, a discussion was held to devise  
12 necessary due countermeasures, and that it was decided  
13 that communication be made directly by the Premier  
14 with Hitler and Mussolini, through the German and  
15 Italian Ambassadors in Tokyo, instead of using the  
16 Japanese Ambassadors in Berlin and Rome.

17  
18 Now, as to the fact that both Ambassadors  
19 requested ARITA for their recall, ITAGAKI and OSHIMA  
20 denied it. <sup>151-h.</sup> SHIRATORI was never examined by the  
21 prosecution about this matter. The so-called request  
22 for recall under such circumstances would be at the  
23 same time a request for acceptance of resignation.  
24 And witnesses USAMI and NAGAI testified that OSHIMA

25 <sup>151-g.</sup> Tr. 37808-809.

<sup>151-h.</sup> Tr. 30497; 30498, 34137.



and SHIRATORI never threatened the Government with a  
resignation. 151-i.

151-j.  
(C) Exhibit 3801-C: This is an excerpt  
from HARADA Memoirs under date of 9 May 1939 and con-  
tains passages of the following gist: ARITA said to  
HARADA that it was indeed inexcusable for those  
abroad to propose, on their own authority, such a  
thing as "participation in war" and to make such an  
arbitrary reply. A Five Ministers' Conference was  
scheduled for tomorrow, but this matter would be of  
considerable difficulty for Premier HIRANUMA was  
inclined to assume a supporting attitude rather than  
remain neutral. . . . On the 7th HARADA asked ARITA  
the results of the Five Ministers' Conference. As  
HARADA had expected, the Premier supported the opinion  
of the War Minister and upheld OSHIMA's answer to  
Ribbentrop that in the event of war between one of  
the contracting parties and a third nation, Japan  
would be considered to have entered a state of war,  
although she would not give any military support.

151-k.  
(D) Exhibit 3803-A: This is an excerpt  
from HARADA Memoirs under date of 23 May 1939 and  
contains passages to the following effect: The Five

151-i. Tr. 33741, 34945.  
151-j. Tr. 37823-824.  
151-k. Tr. 37825-827.

1 Ministers' Conference was held on the 20th and the  
2 problem was settled in substance roughly. However,  
3 with regard to the Foreign Ministers' proposal to  
4 make Ambassador OSHIMA retract his affirmative  
5 answer to Foreign Minister Ribbentrop's question as  
6 to whether it was all right to conclude that /Japan/  
7 would enter into a state of war, the Premier was  
8 evasive and would not make him retract it. The  
9 Foreign Minister, however, cautioned the Premier  
10 that he ought to report privately to the Throne,  
11 because though it could not be said that a complete  
12 agreement in opinion had been reached between the  
13 Army and Navy /the matter/ had actually been decided  
14 and it appeared that instructions would soon be  
15 issued. . . . And though the Premier was asked over  
16 and over at the Five Ministers' Conference to rescind  
17 Ambassador OSHIMA's words, he simply assumed an  
18 attitude indicating that that was all right. And so  
19 the deletion of Article III of the above-mentioned  
20 secret understanding concerning the participant  
21 nations, etc., and the revision of the wording of the  
22 announcement to be made to the world have finally  
23 been carried out, but the statement about "entering  
24 into a state of war," etc. by Ambassador OSHIMA /in  
25 reply/ to Ribbentrop, the annulment of which was



~~pressed for by Foreign Minister ARITA, had been left~~  
1 unrescinded after all. And so this had had much to  
2 do with leaving uncorrected a source of trouble for  
3 the future.

4 (E) Exhibit 3803-B:<sup>151-1.</sup> This is an excerpt  
5 from HARADA Memoirs under date of 23 May 1939 and  
6 contains passages of the following gist:

7 1) Vice-Minister YAMAMOTO said to HARADA  
8 to the following effect: Both Ambassadors, that is,  
9 OSHIMA and SHIRATORI, said that nothing could be done  
10 about that particular draft and they kicked it back.  
11 At the same time the Army claimed that there were  
12 some words missing. (T.N. presumably in the draft);  
13 therefore YAMAMOTO thought that /the whole business/  
14 was scandalous.  
15

16 2) Foreign Minister ARITA said to HARADA  
17 the Army's contention that words were missing meant  
18 a clear-cut expression of participation in war, and  
19 ARITA could not agree with them. Yesterday ARITA sent  
20 the Vice-Minister to the Premier, but he said that it  
21 should be done the way the Army wants. It appeared  
22 as if he too wished to have it read "participation in  
23 war."  
24

25 3) The Navy Minister said to HARADA: It  
151-1. Tr. 37828-829.

was outrageous even to mention matters such as participation in war or condition of war. In spite of the fact that the Emperor often said, "I shall not permit it" to the General Staff Headquarters, the War Minister and the Premier concerning participation in war, it was very abominable for the Premier to support the Army and the Ambassadors who took action contrary to the will of the Emperor.

(F) Exhibit 3746:<sup>151-m.</sup> This is Ott's telegram to the German State Secretary dated 27 May 1939 and contains a passage to the following effect: Army spokesman gave to Ott the following information: Foreign Minister wired decision of the Five Ministers' Conference of 20 May to Berlin and Rome in a form which the Army rejected because it did not automatically fix the entrance into a state of war against England and France, but proposed to make it dependent on the situation at the time. Japanese Ambassadors in Berlin and Rome had refused transmittal. Prime Minister had ascertained this departure from the decision after it had left and had delivered /his/ own correction to the cabinet. With the express approval of the Supreme War Council, the War Minister is again struggling, together with the Prime Minister, for a clear conception of this basic question.

151-m. Tr. 37408-410.



Now, as we have already shown and will further show later, both HARADA Memoirs and Ott's telegrams have only a very limited credibility. However, in case we presume that the above-mentioned excerpts from HARADA Memoirs and Ott's telegram contain some truth, we could conclude from them the following facts:

1) During the negotiations of the Tripartite Alliance in the spring of 1939, OSHIMA and SHIRATORI answered to the German and Italian Governments to the effect that, in case Germany and Italy should wage war with England and France, Japan would participate in the war.

2) The Foreign Minister ARITA opined that both Ambassadors should be made to take their answers back, as they acted without regard to the wishes of the central authorities and as their words and actions overstepped their authorities.

3) ARITA reported the matter to the Emperor on the 8th (Ex. 3798-A) or 10th (Ex. 3798-B) of April 1939, and the Emperor opined that the action of both Ambassadors was an infringement upon the supreme authority of the Emperor.

4) At the Five Ministers' Conferences on about the 6th and 20th of May 1939 ARITA endeavored

1 to attain a decision to make OSHIMA retract his  
2 answer to Ribbentrop, that in the event of war  
3 between one of the contracting parties and a third  
4 nation, Japan would be considered to have entered a  
5 state of war, although she would not give any  
6 military support, but the Premier and the War  
7 Minister opposed ARITA's proposal and the matter  
8 was left undecided at the Five Ministers' Conference  
9 on 20 May 1939.

10 5) The decision of the Five Ministers'  
11 Conference of 20 May 1939 was wired to both Amba-  
12 sadors in Berlin and Rome, but they kicked it back.  
13 The Army and the Prime Minister opined that the in-  
14 struction drafted and sent by the Foreign Minister  
15 did not quite conform to the decision of the afore-  
16 said Five Ministers' Conference, and the Prime  
17 Minister ascertained this departure from the decision  
18 after it had left and delivered his own correction  
19 to the cabinet.

20 The defense for SHIRATORI does not know to  
21 what extent the above-mentioned conclusions are true  
22 and correct. However, in so far as SHIRATORI was  
23 concerned, the truth is as follows:

24 1) As shown in item (1) of Chapter V above,  
25 draft texts of the pact proper, the signing protocol,



46,144

and the secret accessory protocol of exhibit 2619  
were accepted by Japan, Germany and Italy at an  
early stage of the negotiation.

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1                   2) Paragraph 1 of Article III of the pact  
2 proper stipulates that in case one of the contracting  
3 powers should be attacked unprovokedly by a power or  
4 powers not a party to this pact, the other contract-  
5 ing powers engage to render their help and assistance.  
6 It is not clear from this stipulation whether or not  
7 the "help and assistance" include also military assist-  
8 ance and possible participation in war.

9                   3) The gist of No. 1 of the Japanese reser-  
10 vations contained in the aforesaid new Japanese instruc-  
11 tion, which arrived at Berlin and Rome at the end of  
12 March, 1939, and were communicated to the German and  
13 Italian governments in early April, 1939, was that,  
14 although Japan accepted the duty of military assist-  
15 ance also in case Germany and Italy were unprovokedly  
16 attacked by countries other than Soviet Russia, she  
17 would not be able to carry it out effectively for the  
18 time being (151-n).

19                   If Japan gave military assistance, though to  
20 a restricted extent, to Germany and Italy, it goes with-  
21 out saying that Japan would also be participating in  
22 war automatically for Germany and Italy. If ARITA  
23 opined the military assistance and the war-participa-  
24 tion were two different things, he should have indicated  
25

(151-n) See items (g) and (1) of Chapter V above;  
also refer to paper No. 4 of ex. 2619.



it clearly in his instructions.

1           4) SHIRATORI seems to have answered to an  
2 inquiry by the Italian Government about this matter  
3 in the above-mentioned sense.  
4

5           5) As hereinbefore stated, Japan's obliga-  
6 tion to render help and assistance included also mili-  
7 tary one, and the participation in war for Germany and  
8 Italy would not arise automatically, and further, that  
9 there were triple guarantees against it, as set forth  
10 heretofore, and for the sake of clarity, enumerated  
11 again as follows: (a) Should Germany and Italy be  
12 attacked unprovokedly (par. 1 of Art. III of the pact  
13 proper); (b) A conference of representatives of the  
14 three countries would examine and decide whether Japan  
15 should render help and assistance, including also mili-  
16 tary one, and participate in war for Germany and Italy  
17 (par. 2 of Art. III of the pact proper and item (A) of  
18 the Secret Accessory Protocol); (c) And further, the  
19 Japanese military assistance for Germany and Italy  
20 would be for the time being only of a restricted extent,  
21 and the details concerning the military assistance  
22 should, of course, be reserved to the discussions pro-  
23 vided in the Secret Accessory Protocol (No. 1 of the  
24 Japanese reservations contained in the new Japanese  
25 instruction and paper No. 4). We submit therefore that

1 supposing SHIRATORI actually gave the above explanatory  
2 answer to the Italian Government concerning the con-  
3 struction of the words "military assistance," he could  
4 have said, without any scruples but with perfect truth,  
5 that the Tripartite Pact would not have dragged Japan  
6 against her will into a war of Germany's or Italy's  
7 making.

8           6) Since that time SHIRATORI got no instruc-  
9 tion nor reprimand of the Japanese Government about the  
10 above-mentioned problem. He never heard how the Emper-  
11 or opined about it. If the Japanese Government could  
12 not attain any agreement about the matter, it is quite  
13 natural that the government also could not have sent  
14 any instructions to the ambassador in Rome or reprimand  
15 him about it. ARITA's personal opinion could not  
16 possibly have been the opinion of the Japanese Government.  
17 Therefore, SHIRATORI never acted contrary to any instruc-  
18 tions of the Japanese Government in this respect.

19           7) It is quite clear from ex. 3803-A above  
20 that the instruction to both ambassadors sent on the  
21 basis of the decision of the Five Ministers' Conference  
22 on 20 May 1939, if the story of sending such an in-  
23 struction be true, related to only the question of the  
24 so-called secret understandings or reservations, and  
25 not the question of Japan's war-participation, the latter



question having been left undecided at the cabinet  
1 conference. And if both ambassadors really kicked the  
2 instruction back, as stated in ex. 3803-B above, or if  
3 they really refused transmittal of the instruction, as  
4 stated in ex. 3746, we must interpret the story in the  
5 sense that Germany and Italy did not accept the con-  
6 tents of the Japanese instruction. It is significant  
7 that the prosecution did not question SHIRATORI on  
8 this matter when he testified in his own behalf and  
9 introduced this document in rebuttal at a time when  
10 SHIRATORI was in a U. S. Army Hospital for a throat  
11 operation and could not be contacted by counsel for a  
12 reply.  
13

14 THE PRESIDENT: Why do you keep repeating  
15 that? It looks like this summation was composed by a  
16 number of counsel, among whom there wasn't much coopera-  
17 tion to avoid repetition. Many other matters have  
18 been repeated too. I suggest you go through the balance  
19 of this when you get the chance and cut out matters  
20 that have already been stated.  
21

22 MR. CAUDEL: 8) We would like to call the  
23 attention of the Court also to the following fact:  
24 As shown in item (i) of Chapter V above, Mussolini was  
25 discontented with the Japanese delays and preferred an  
Italo-German double alliance to a tripartite one, leav-

ing Japan to face Anglo-French forces alone, as the pact  
1 then would have no anti-British and anti-American  
2 flavor whatsoever. In April and May, 1939, when Japan  
3 persisted stubbornly in their reservations to be attached  
4 to the tripartite alliance, Mussolini and Ciano were  
5 working eagerly for the double alliance rather than the  
6 tripartite pact, considering Japan's adherence to the  
7 alliance more harmful than useful. An Italo-German  
8 alliance was concluded 22 May, 1939.

9  
10 The above-mentioned decision of the Five  
11 Ministers' Conference of 20 May 1939 was wired, if we  
12 presume the wiring of it as true, to Rome in such an  
13 atmosphere.

14 9) We respectfully refer here also to the  
15 testimony of the defendant OSHIMA and the witness  
16 USAMI concerning the problem of war-participation (151-o  
17 (OSHIMA), 151-p, USAMI).

18 10) As pertains to the purported Memoirs of  
19 HARADA, if any consideration is to be given them, it is  
20 significant that practically all of the so-called in-  
21 formation written by him in this matter came supposedly  
22 from ARITA, the man whom the prosecution has insisted  
23 was at complete odds with SHIRATORI, and even if such  
24

25 (151-o) Ex. 3508, tr. 34,006 and 34,008  
(151-p) Ex. 3494, tr. 33,740



1 are true, which we deny, such were naturally biased in  
2 nature (151-q).

3 (m) The Basic Idea of SHIRATORI As Ambassador  
4 to Italy for Concluding a Tripartite Pact

5 Shortly before SHIRATORI's appointment as  
6 Ambassador to Italy, the Premier, Prince KONOYE, told  
7 him that there was talk of a rapprochement between Japan  
8 and the Axis powers; that KONOYE was not enamoured of  
9 the idea himself but that inasmuch as direct negotia-  
10 tion with Chiang Kai-shek had so far proved almost use-  
11 less, some other diplomatic means had to be sought to  
12 quickly dispose of the China mess; that in KONOYE's  
13 opinion a friendly intervention by England and America  
14 was the greatest desideratum, but nothing short of a  
15 possible alignment of Japan with the Axis would cause  
16 them to modify the anti-Japanese attitude they had  
17 maintained ever since the Manchurian imbroglio.

18 SHIRATORI concluded from this talk that at that moment  
19 it was not so much the actual rapprochement with Ger-  
20 many and Italy that KONOYE really desired as the effect  
21 that such a gesture on Japan's part would have on  
22 England and America in regard to their Far Eastern  
23 policy. He felt he could agree in principle to KONOYE's  
24

25 (151-q) Ex. 3738, tr. 35,084-85

1 foreign policy thus outlined and so accepted the  
2 Ambassadorship to Italy proposed by the Foreign Minis-  
3 ter UGAKI (152).

4 That was the basic idea that influenced  
5 SHIRATORI during the whole course of the negotiation  
6 in 1939. Therefore, irrespective of whether the  
7 negotiation was to succeed or not, he considered it of  
8 the first importance that the fact that such pourparlers  
9 were going on between Japan and the Axis powers should  
10 become known to the world, especially to America and  
11 England. He was on occasion intentionally outspoken  
12 or indiscreet in his press interviews, generally assum-  
13 ing an air of optimism even at moments when the success-  
14 ful conclusion of the negotiation seemed more than  
15 doubtful (153).  
16

17 The first instruction to SHIRATORI was brought  
18 by the ITO Mission, as shown in item (f) above, and as  
19 shown in item (1) above, the draft tripartite pact  
20 contained in the same instruction was a weak and harm-  
21 less one, having twofold guarantees against Japan's  
22 involvement in an aggressive war in Europe, which was  
23 extremely unlikely to be provoked by England or France,  
24 and SHIRATORI thought that such a pact would not only  
25  
(152) Tr. 35,032-033.  
(153) Tr. 35,038-039



1 not stand in the way of Japan concluding separate  
2 arrangements with England and America concerning China  
3 and the Far East, but, on the contrary, the existence  
4 of such a pact, or its very possibility or imminence,  
5 would serve as a sort of leverage in moving the Anglo-  
6 Saxon countries to reconsider their Far Eastern policy,  
7 thereby making it possible for Japan speedily to wind  
8 up, with their friendly cooperation, the unfortunate  
9 conflict with China (154). He considered it of utmost  
10 importance for Japan to avoid, by all means, a complete  
11 diplomatic isolation which would render all the more  
12 precarious the chance of an early settlement by diplo-  
13 macy of the China affair, and that unless there were a  
14 fair prospect of coming to a satisfactory agreement  
15 with the Anglo-Saxon countries in the meantime, the  
16 conclusion of the Axis pact for what it was worth would  
17 be almost the only way of preventing such an eventual-  
18 ty (155).

20 With such an idea SHIRATORI advised the Jap-  
21 anese Government against the draft reservations to be  
22 annexed to the draft tripartite pact, brought by the  
23 ITO Mission, and requested it to reconsider the matter,  
24 as there was no prospect for such reservations ever

25 (154) tr. 35,040

(155) tr. 35,043

1 to be entertained by the German and Italian Govern-  
2 ments (157). The prosecution contend that from the  
3 moment when SHIRATORI opposed the ITO Mission, he vol-  
4 unteered himself upon policy making level and must  
5 bear responsibility in fact. But the whole matter is  
6 not so simple as that. The Japanese counter-proposal,  
7 as brought to Europe by the ITO Mission, while osten-  
8 sibly appearing to represent a marked enlargement and  
9 strengthening of the Anti-Comintern Pact, was, by  
10 reason of the two reservations proposed, rendered in  
11 fact nothing more than the Anti-Comintern Pact with  
12 its secret military understanding incorporated in the  
13 text of the new treaty. While SHIRATORI did not as-  
14 certain this point definitely from Prince KONOYE when  
15 the Tripartite rapprochement was first discussed in  
16 August, 1938, SHIRATORI had the general idea that the  
17 Japanese Government was considering a Tripartite Pact  
18 of much wider scope than the Anti-Comintern Pact.  
19 After arriving in Rome his impression in this respect  
20 was confirmed by various circumstances. He learned  
21 how the Japanese Government considered the first German  
22 proposal a capital idea calculated to kill three birds  
23 with one stone. He learned how General OSHIMA was  
24 authorized by Mr. ARITA to call on Mussolini to discuss  
25



the matter.

1           The instruction brought by the ITO Mission  
2 said that this counter-proposal represented the true Jap-  
3 anese policy as determined from the outset and that  
4 if there were any different views anywhere, it was a  
5 misunderstanding. Misunderstanding or not, Italy cer-  
6 tainly had a very different view. She had no quarrel  
7 with Soviet Russia and was not a party to the secret  
8 protocol of the Anti-Comintern Pact. On the other  
9 hand, she had clashes of interests with Britain and  
10 France around the Mediterranean and Africa. She wished  
11 her diplomatic position strengthened by rapprochement  
12 with Germany and also with Japan if that was possible.  
13 She was persuaded that such a tripartite arrangement was  
14 now within possibility. Mussolini suddenly became  
15 very enthusiastic and expected the consummation of the  
16 treaty within a few weeks.

17  
18           But now comes the Japanese counter-proposal  
19 which in plain English tells Italy that "Japan expects  
20 Italy to come to her help in case of Russian attack,  
21 but that in case of British or French attack on Italy,  
22 Japan cannot extend any military help, and that she  
23 intends to tell England and France so beforehand.

24           That was not a question of policy but one of  
25 common decency. To deliver the Japanese counter-

1 proposal to the Italian Government at that moment  
2 would have been little short of an affront. No am-  
3 bassador in any position would have submitted to such  
4 an instruction.

5       The comparative ease with which the Tokyo  
6 Government reconsidered its position shows that the  
7 modification of the reservations was more within the  
8 scope of technique of negotiation than that of an  
9 absolute or supreme policy. And as the new Japanese  
10 draft reservations, which revised the original ones  
11 brought by the ITO Mission and which constituted the  
12 third guarantee against Japan's involvement in an  
13 aggressive war in Europe, arrived, and was communicated  
14 by SHIRATORI to the Italian Government (158) and as  
15 finally Germany and Italy insisted that the reserva-  
16 tions should be an oral understanding, while the Japan-  
17 ese Government persisted in having them in writing  
18 (159) SHIRATORI considered that an oral understanding  
19 would be sufficient and urged the Japanese Government  
20 not to attach too much importance to their formula of  
21 reservations (160).  
22

23       When England offered Japan concessions in  
24 (158) See item (g) above, and last part of item (1) above  
25 (159) See item (h) above.  
      (160) See middle part of item (1)



1 the Tientsin affair in the middle of 1939, on the  
2 basis of which Japan was going to make terms with  
3 England, SHIRATORI felt that what he had at first ex-  
4 pected as a result of the negotiations for a tripartite  
5 alliance brought about in part the results that he  
6 had expected. It was the duty of ARITA, the then  
7 Foreign Minister, to bring about a closer rapproche-  
8 ment between Japan on one side and the United States and  
9 Britain on the other, and it was SHIRATORI's task to  
10 bring about, to facilitate, an alliance between Japan  
11 on one side and Germany and Italy on the other, as  
12 Ambassador to Italy. Although on the surface it  
13 appeared that the two were moving in opposite direc-  
14 tions, actually speaking, the work that SHIRATORI was  
15 doing was facilitating and furthering ARITA's work of  
16 bringing about a rapprochement with the United States and  
17 Britain; and to that end SHIRATORI not only gave his  
18 efforts but he "prayed for ARITA's success," (161)

19  
20 THE PRESIDENT: We will recess for fifteen  
21 minutes.

22 (Whereupon, at 1445, a recess was  
23 taken until 1500, after which the proceed-  
24 ings were resumed as follows:)

25 (161) Tr. 35,112-113

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MARSHAL OF THE COURT: The International Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Caudle.

MR. CAUDLE: I will proceed, sir, at the next to the last paragraph on page 55.

In this connection, the prosecution cross-examined SHIRATORI as to whether he had not sent two telegrams to ARITA concerning the Tientsin Affair of 1939. Without showing him exhibit 2234, they quoted the following two short sentences:

"In order to establish a new order in China today we must drive out from China the old order which is represented by Britain. . . Therefore, I believe that Japan should conclude a treaty as soon as possible with Germany and Italy in opposition to Britain and France."

SHIRATORI answered that he had no recollection whatever of having sent such a telegram (162). It is no wonder that so brief and insufficient a quotation could not refresh SHIRATORI's memory. This exhibit is an excerpt from a lecture given by SHIRATORI at a meeting of the Imperial University Alumni Association in February 1940 (corrected by the Language Arbitration Board on August 12, 1947 (163), and reads in full as

(162) T. 35,114-116

(163) T. 16,044-046 and 25,512-513



follows:

1           "However, a nation-wide anti-British move-  
2           ment broke out with respect to the Tientsin  
3           problem. And as I saw that this was supported  
4           by the whole Japanese nation, I thought that it  
5           was no time to hesitate and in early July I  
6           advised the Government twice in details as  
7           follows:

8           "'Germany and Italy are not contemplating a  
9           war against the U.S.S.R. If the Government is  
10          going to conclude a Treaty on the assumption that  
11          war will be waged against U.S.S.R., the idea had  
12          better be given up. I believe the intention of  
13          Germany and Italy is to draw Russia to their side  
14          after concluding an alliance among Japan, Ger-  
15          many and Italy. In order to establish a new  
16          order in China today, we must drive out from  
17          China the old order which is represented by  
18          Britain. Therefore, I believe that Japan  
19          should conclude a treaty as soon as possible with  
20          Germany and Italy in opposition to Britain and  
21          France, and then to confront the U.S.S.R. with  
22          the combined power of Japan, Germany and Italy;  
23          cause her to withdraw from the East, to stop  
24          her aid to Chiang Kai-shek, to withdraw her  
25

1 froces from the Manchurian-Soviet border; and  
2 gradually effect the solution of the pending prob-  
3 lems favorably to us. I believe that this policy  
4 is best suited to the occasion for Japan.

5 "'At this moment if we do not conclude an  
6 alliance with Germany and Italy, Germany will  
7 probably league with U.S.S.R. Moreover, it is  
8 drawing near. It is not the time for hesita-  
9 tion. If Japan tried to solve the problem  
10 between her and U.S.S.R. after the alliance  
11 between Germany and U.S.S.R. has been concluded,  
12 wouldn't things become unfavorable for Japan,  
13 because it is not the logical process?'

14 "But the Government, of course, was unable  
15 from the beginning to give thought to my opinion,  
16 because they had in view a treaty for fighting  
17 with U.S.S.R. whereas this was a proposal for a  
18 treaty for making peace with her, an idea very  
19 different from the original one."

20 The general tenor of SHIRATORI's speech was  
21 that seeing that a nation-wide anti-British agitation,  
22 apparently unchecked by the Government, had occurred  
23 in the early summer of 1939 with the question of the  
24 British Concession in Tientsin as its ostensible cause,  
25 SHIRATORI thought that there was now very little



prospect of a friendly understanding with the Anglo-Saxons. On the other hand, the Tripartite Alliance negotiation was hanging fire indefinitely, mainly because of Japan's insistence on its formula of reservation, while in SHIRATORI's opinion German-Soviet rapprochement was steadily taking shape. What SHIRATORI states in the exhibit is that in face of such a situation, he thought there was not a moment to be lost in quickly concluding the Axis alliance for whatever it was worth, in order that a complete diplomatic isolation for Japan might be avoided.

It was quite another story, therefore, when later the British Government suddenly changed its attitude and negotiation on the basis of their concessions was to take place in Tokyo. We fail to see anything inconsistent in SHIRATORI's stating from the witness box that he fervently hoped for ARITA's success in this negotiation.

Now, in order to show that SHIRATORI wanted "to establish a new order in China" and "to drive out from China the old order which is represented by Britain" not by violence or armed forces, but by peaceful means, we would like to quote a short passage from Ex. 2232 (Plessen's Memorandum dated September 4, 1939, concerning his interview with SHIRATORI

shortly before SHIRATORI's departure from Rome),

1 which reads as follows:

2 "The goal of Japanese policy in China re-  
3 mains, now as then, the establishing of a new  
4 order there, with which was linked the expulsion  
5 of England from China. In order to attain this  
6 goal Japan was hoping for financial help from  
7 America." (164)

8 (n) The activities of SHIRATORI as Ambassador  
9 to Italy for Concluding a Tripartite Pact, cannot be a  
10 Crime.

11 From the detailed explanations above, it must  
12 be concluded as follows:

13 (A) SHIRATORI's intention, during the whole  
14 course of the negotiation in 1939, was to contribute,  
15 in so far as he could, to a peaceful settlement of the  
16 China Affair by concluding a weak and harmless tripar-  
17 tite pact, which would also prevent the outbreak of a  
18 European war. Therefore, there was not the least sem-  
19 blance of criminal intent on his part, but in his mind  
20 a means to a solution of a very difficult problem not  
21 only to Japan but other nations involved.

22 (B) SHIRATORI's activities, limited as they  
23 were, failed completely, both as to conclusion of a  
24 tripartite pact or furthering the collaboration of

(164) T. 16,009,010

(164-A) T. 34,935-938, cor. by Lang. Sec. 12 Aug. 1947)



Japan, Germany and Italy.

1 (C) There was no causal relations between  
2 SHIRATORI's negotiations in 1939 and the conclusion  
3 of the Tripartite Pact of 27 September 1940.

4 (D) The responsibility for treaties or al-  
5 liances did not finally rest with SHIRATORI, an Amba-  
6 sador, but with his Government (165), although under  
7 the law he had every right as ambassador to make sug-  
8 gestions to and advise his government.

9 (E) Therefore, SHIRATORI's activities as  
10 Ambassador to Italy for concluding a tripartite pact  
11 cannot be a crime as defined in Count 5 of the Indict-  
12 ment.  
13

14 VI.

15 SHIRATORI'S CAREER AFTER AMBASSADORSHIP

16 TO ITALY

17 SHIRATORI was ordered to return home 2 Septem-  
18 ber 1939. He departed from Rome 15 September and ar-  
19 rived at Tokyo 13 October 1939; he was released from  
20 service in Italy and was placed on the waiting list  
21 9 January 1940; he was appointed as Advisor to the  
22 Foreign Ministry 28 August 1940; he was released from  
23 advisorship to the Foreign Ministry 22 July 1941; he  
24 was elected a member of Parliament 30 April 1942; he  
25 (165) T. 31,255-57 and 34,975-76

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2 SHIRATORI's negotiations in 1939 and the conclusion  
3 of the Tripartite Pact of 27 September 1940.

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22 advisorship to the Foreign Ministry 22 July 1941; he  
23 was elected a member of Parliament 30 April 1942; he  
24 (165) T. 31,255-57 and 34,975-76  
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1 was appointed as a member of the Board of Directors  
2 of the Imperial Rule Assistance Political Society 20  
3 May 1942; he seceded from the same society 28 June 1943;  
4 and he resigned membership of Parliament 5 December  
5 1945 (166).

6 VII.

7 SHIRATORI'S ATTITUDE SHORTLY BEFORE

8 DEPARTURE FROM ROME

9 (a) The prosecution contends that shortly  
10 before his departure from Rome, SHIRATORI stated to  
11 Plessen, a member of the German Embassy at Rome, on the  
12 4th of September 1939, to the effect that the goal of  
13 Japanese policy in China remained, now as then, the  
14 establishing of a new order there, with which was  
15 linked the expulsion of England from China; that in  
16 order to attain this goal, Japan was hoping for finan-  
17 cial help from America; that after the over-powering  
18 of Poland the opportunity of an understanding with France  
19 and England might present itself; that Germany and  
20 Italy were not at present in a position, and France  
21 and England were not disposed to wage a war on a truly  
22 large scale, and that if it should come to a general  
23 conflict into which Italy, the United States, Russia  
24 and Japan would then necessarily be drawn, it would  
25

(166) T. 34,949-50

1 simply be a catastrophe whose extent could not be con-  
2 ceived (167). There is a most significant conflict  
3 in these contentions, because it is inconceivable that  
4 Japan could hope for financial aid from America to oust  
5 Britain, America's friend and natural ally, from China.

6 (b) Exhibit 2232 (168): This exhibit consists  
7 of the following two documents:

8 1) Mackensen's telegram to Ribbentrop dated  
9 2 September 1939, which contains the following passage:

10 "Japanese Ambassador visited me today to in-  
11 form me that he had now received his expected  
12 recall. Expects to depart in about three weeks,  
13 would particularly welcome /opportunity/ to have  
14 detailed talk with German Foreign Minister on  
15 homeward trip which he may take via Moscow. He  
16 seemed to be of the opinion that with a new Japan-  
17 ese Cabinet there was a well-founded chance for  
18 successful continuation of the stalled further  
19 rapprochement with the Axis Powers. For this  
20 very purpose of being able personally to work  
21 more effectively than was possible from Rome he  
22 was going to Tokyo." (169)

23 2) Plessen's Memorandum dated 4 September

24 (167) Ex. 2232, T. 16,003-010  
25 (168) T. 16,003-010  
(169) T. 16,003-004



1939 (170).

1 (c) SHIRATORI contradicted, in his affidavit,  
2 the aforesaid Mackensen's statement in exhibit 2232,  
3 as follows:

4 "The prosecution cites a telegram by the  
5 German Ambassador in Rome, (Ex. 2232; T. 16,003)  
6 in which I am represented as having assured him  
7 of my continued efforts for the sake of German-  
8 Japanese friendship. Could I have answered other-  
9 wise to a diplomatic colleague who expressed to  
10 me his concern about the effect my sudden recall  
11 at that particular juncture might have upon the  
12 relationship between Japan and the Axis? Accord-  
13 ing to the same exhibit of the prosecution, I am  
14 reported by the German Embassy in Rome as stating  
15 that I would particularly welcome an opportunity  
16 to have a detailed talk with the German Foreign  
17 Minister on my homeward trip. I do not understand  
18 how they could have put the matter in that way,  
19 for to the best of my memory, it was Mr. Mackensen  
20 himself who told me, through his councillor, one  
21 Mr. Plessen, that he had been instructed by von  
22 Ribbentrop to inquire if I would not return to  
23 Japan by way of Berlin. I answered him that I  
24  
25

(170) T. 16,004-010

1 had already booked my passage to New York on  
2 the Italian steamer Conte di Savoia. If I had  
3 really wanted to see Ribbentrop, I could, of  
4 course, have easily made a trip to Berlin before  
5 my departure from Rome, without consulting Mr.  
6 Mackensen at all." (171)

7 Further, the war had broken out between Ger-  
8 many and Poland, and the then Foreign Minister was  
9 Admiral NOMURA, a pro-British and pro-American diplo-  
10 mat, and it is unimaginable that SHIRATORI could have  
11 thought that the Axis alliance could have been fur-  
12 thered at that time and under those conditions.

13 (d) Exhibits Nos. 3827 and 3827-A: The con-  
14 tents of these two documents were used by the prosecu-  
15 tion on its cross-examination of SHIRATORI and SHIRATORI  
16 denied them (172). And the prosecution tendered in re-  
17 buttal the two documents in evidence, in order to rebut  
18 the aforesaid SHIRATORI's insistence in his affidavit  
19 and his denial on his cross-examination, and contended  
20 that, apart from the rebuttal value of these two docu-  
21 ments, the prosecution would urge their importance on the  
22 ground that they indicated SHIRATORI's determination to  
23 continue his collaboration with the Nazis after his  
24 government had officially terminated negotiations for  
25

(171) Ex. 3595, T. 35,044-045

(172) T. 35,121



an alliance (173). The two documents are as follows:

1) Exhibit 3827. This is a telegram dated 4 September 1939, from Weizsaecker in Berlin to the German Embassy in Rome and reads as follows:

"Please inform SHIRATORI that Reich Foreign Minister will gladly see him at the given time in Berlin. Please keep in contact with SHIRATORI and note his departure." (174)

2) Exhibit 3827-A: This is a telegram dated 9 September 1939, from Mackensen in Rome to the German Foreign Office and reads as follows:

"Response to telegram dated 4, No. 465. SHIRATORI, whom I informed in accordance with my instructions, has in the meantime dropped the idea to return via Siberia. He regrets greatly not to be able to see Reich Foreign Minister again, but plans to ask Ambassador OSHIMA, who will, within a few days, come to Rome, to transmit to Reich's Foreign Minister what he wanted to state to him personally." (174)

(e) Now, Plessen wrote in his memorandum mentioned above about his talk with SHIRATORI on the 4th of September 1939 as follows:

(173) T. 37,985  
(174) T. 37,986-987

1        "To a remark from me that he (SHIRATORI) had,  
2        so far as I understood it, the wish to speak  
3        to the German Foreign Minister on his return  
4        trip to Japan, Mr. SHIRATORI replied that his  
5        travel plans were not yet definite. He would  
6        presumably return to Japan via Scandinavia and  
7        America and would, of course, be happy to talk  
8        to the German Foreign Minister in case the latter  
9        wished it. I got the impression that Mr. SHIRA-  
10        TORI did not wish to ask for a conference on his  
11        own initiative, so to speak, probably out of  
12        regard for General OSHIMA." (175)

13        Plessen's statement of 4 September is clearly  
14        inconsistent with the aforementioned telegram of Mack-  
15        ensen dated 2 September. If we presume that Plessen's  
16        statement had a certain amount of credibility, it is  
17        quite clear that SHIRATORI never asked for a confer-  
18        ence with Ribbentrop. And we must then conclude that  
19        Mackensen misapprehended or distorted or enlarged some  
20        remark of SHIRATORI that might have been casually or  
21        gesturely made at the time he called on his German  
22        counterpart to say good-bye, and sent his aforesaid  
23        telegram of 2 September, although SHIRATORI himself has  
24        no recollection altogether of having expressed any such  
25        (175) Ex. 2232, T. 16,008-009



1 remark. In reply to Mackensen's telegram, the German  
2 Foreign Office sent to Rome the hereinbefore mentioned  
3 instruction of 4 September, which Mackensen communicated  
4 to SHIRATORI. SHIRATORI answered to the German Embassy  
5 that he had already booked his passage to New York on  
6 an Italian steamer, and on the basis of this SHIRATORI's  
7 answer, Mackensen dispatched the aforesaid telegram of  
8 9 September. If we reason in this way, the above-  
9 mentioned statement of SHIRATORI in his affidavit must  
10 be entirely true and correct.  
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1 In concluding Chapter VII of this Summation,  
2 namely, SHIRATORI's activities while Ambassador to  
3 Rome, we wish again to impress upon the Tribunal the  
4 very trivial part SHIRATORI played in these negoti-  
5 ations.

6 The evidence as cited hereinbefore, clearly  
7 and unimpeachably shows that practically all negoti-  
8 ations were carried on directly with Italy from Berlin  
9 through German and Italian officials <sup>(176)</sup>; further,  
10 that although SHIRATORI might have been indiscreet  
11 in his statements, such action was explained by him  
12 thoroughly in that he was more interested in publiciz-  
13 ing the negotiations than he was in the consummation  
14 of the pact, in order to let the world know Japan  
15 considered such a move, which would thereby give her  
16 a better leverage to work out an understanding with  
17 Britain and America and through their good offices  
18 settle the China Affair.

19 It is a well known fact that in diplomatic  
20 relations there is much talk back and forth between  
21 both sides in a round-about and vague nature. Seldom,  
22 if ever, are direct statements made that carry a con-  
23 crete meaning. It would appear that only direct  
24 statements are made by such diplomats to their home  
25 (176. Tr. 24,482)



1 office, and conversations with diplomats representing  
2 other nations are such as to leave vague and sometimes  
3 misunderstood impressions. If SHIRATORI made state-  
4 ments to Plessen or Mackensen or Ciano, alleged by  
5 the prosecution, it would seem only reasonable to con-  
6 clude that he was talking merely to cover up his  
7 embarrassment and to alleviate as much as possible any  
8 personal friction that could have resulted between  
9 him and such people over the events of the times. It  
10 is also safe to presume that inasmuch as he was leaving  
11 at once, this was, in diplomatic parlance, "easing  
12 his way out." Further, that after his release from  
13 the post of Ambassador, he (SHIRATORI) was placed on  
14 the waiting list until late August, 1940 (see Chapter  
15 VI, this summation), which took him completely out of  
16 official contact, and with no duties or authority  
17 whatsoever (176-A).

18 Now, with reference to the exhibit referred  
19 to in the prosecution's summation (UU-65), namely,  
20 exhibit 507, transcript 6129, to the effect that  
21 Ribbentrop told Ott "SHIRATORI would soon return to  
22 Tokyo and would also work along the lines of German-  
23 Japanese cooperation which he had indicated," is  
24 absolutely false on its face, in that the exhibit  
25 (176-A Tr. 34,970 (bottom of page)  
and 34,971)

1 referred to clearly states that the object for which  
2 he would work was for better Russian-Japanese relations.  
3 However, SHIRATORI did not make this statement to  
4 Ribbentrop for the simple reason that he did not see  
5 Ribbentrop at any time prior to his departure, and  
6 if Ribbentrop had any basis upon which to make such a  
7 statement, it must have come from some other source.  
8 As hereinbefore set forth, and as the record will  
9 show, SHIRATORI only saw Ribbentrop two times, on the  
10 occasion of Hitler's Birthday in Berlin in April,  
11 1939 (176-B), and June, 1939 (176-C). At any rate,  
12 according to Ott, SHIRATORI took no active part what-  
13 soever in regard to furthering German-Japanese rela-  
14 tions upon his return to Tokyo; that is, at least  
15 during the three months period between October, 1939,  
16 and January, 1940, during which he retained the title  
17 of Ambassador to Italy, and further, Ott stated that  
18 it was in the late spring of 1940 before anyone dis-  
19 cussed anything at all about German-Japanese relations  
20 (176-D). Further, it is shown that after his release  
21 from the post of Ambassador, as aforesaid, SHIRATORI  
22 was placed on the waiting list until 28 August 1940  
23 (176-E), which separated him from official contacts

24 (176-B. Tr. 24,481  
25 176-C. Tr. 34,138-39  
176-D. Ex. 3579, Tr. 34,854-55.  
176-E. Ex. 3575, Tr. 34,949)



1 and conferred upon him no duties or authority what-  
2 soever during this period (176-F).

3 The prosecution has gone to great lengths  
4 to emphasize what they term the "change" in SHIRATORI  
5 upon his arrival in Rome in that he assumed policy-  
6 making activities beyond the scope of his authority.  
7 However, an ambassador has no policy-making authority  
8 whatsoever, and it is certainly within the scope of  
9 his duties and his natural right to recommend to his  
10 Government such things as he saw on the ground, because  
11 after all he was the eyes and ears of his Government  
12 in a foreign country many thousand miles away. We  
13 feel justified in our contentions that although he  
14 barked loud, there was little bite. The net result of  
15 his tenure of Ambassador in Rome was absolutely nil.

16 VIII. SHIRATORI AS ADVISOR TO THE  
17 FOREIGN OFFICE UNDER MATSUOKA.

18 TRIPARTITE PACT OF September 27, 1942.

19 We will contradict later, also, the prosecu-  
20 tion's contention, which related to SHIRATORI's  
21 activities in the period from his return home from  
22 Italy until his appointment as the advisor to the For-  
23 eign Ministry, and which relied upon telegrams of  
24 Ambassador Ott as well as upon SHIRATORI's lectures  
25 and articles.

(176-F. Last line Tr. 34,970-71.)

The prosecution tendered in evidence a report of the Secretary General of the Metropolitan Police Board, dated 18 June 1940 (177), in order to disprove the statement of SHIRATORI that there was no instance of his opposing the policy of the YONAI-ARITA cabinet, and to contradict his two specific denials of ever having expressed an opinion to the Parliamentary Members' League for the Consummation of the Sacred War, calling for the overthrow of the YONAI-ARITA cabinet (178), as well as to rebut his statement that as an ambassador on the waiting list with no political connections whatever he had no knowledge at all of the circumstances concerning the fall of the YONAI-ARITA cabinet (179). These assertions are incorrect in that SHIRATORI allegedly spoke as follows:

"Being a governmental servant, I feel I have to refrain from making recourse to language insinuating the overthrow of the Cabinet, but as regards the re-orientation of Japan's foreign policy, I may say that it appears that we have already missed the opportunity when we consider the situation in the light of the present advance of Germany.

(177. Ex. 3830, Tr. 37,993-995.

178. Tr. 35,123

179. Tr. 35,047 and 37,993.)



1 This, however, does not mean that we can see  
2 no prospect at all.

3 "Nevertheless, I feel it absolutely  
4 impossible to entertain any hope in this  
5 regard as long as the persons who opposed  
6 the proposition of a Japan-Germany-Italy  
7 military alliance remain to hold the minis-  
8 terial posts in the cabinet."

9 (Thus, he used words insinuating the over-  
10 throw of the Cabinet.)

11 There is certainly no advocacy of the overthrow of  
12 the YONAI Cabinet, as the first part of the alleged  
13 statement clearly shows -- while the last portion of  
14 the statement is nothing more than a remark to the  
15 effect that it was impossible to hold any hope for  
16 a change toward better Germany-Italy-Japan relations  
17 as long as those who opposed it remained in the Cabinet.

18 Moreover, the last sentence, stating - "Thus,  
19 he used words insinuating the overthrow of the Cabinet"  
20 is nothing but a conclusion of the maker of the report,  
21 who was a member of the special higher police.

22 Moreover, this secret political police, which  
23 was abolished by order of SCAP, had been responsible  
24 for controlling leftist and rightist movements as well  
25 as anyone who was opposed to the policy of the

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2 no prospect at all.

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18 Moreover, the last sentence, stating - "Thus,  
19 he used words insinuating the overthrow of the Cabinet"  
20 is nothing but a conclusion of the maker of the report,  
21 who was a member of the special higher police.

22 Moreover, this secret political police, which  
23 was abolished by order of SCAP, had been responsible  
24 for controlling leftist and rightist movements as well  
25 as anyone who was opposed to the policy of the

1 government (180), being the counterpart of the German  
2 Gestapo, and ever available to trumping up false  
3 charges against anyone not strictly in line with the  
4 Government of the day by misquoting and other such  
5 tactics. Therefore, also in case we presume the  
6 above mentioned meeting really occurred and that  
7 SHIRATORI attended it, the entire story might be quite  
8 different from what was stated in the above report, as  
9 SHIRATORI had no recollection about it (181). At any  
10 rate, the above report does not show that SHIRATORI  
11 had any knowledge of the circumstances concerning the  
12 fall of the YONAI Cabinet.

13 However, the real cause of the fall of the  
14 YONAI-ARITA Cabinet was as clarified by the witness  
15 SAWADA in the defense phase for the accused HATA (182),  
16 and such gatherings of small groups of the people  
17 as mentioned above could have nothing to do with the  
18 matter.

19 The YONAI Cabinet was succeeded by the 2nd  
20 KONOYE Cabinet in July, 1940. Prince KONOYE suggested  
21 the retention of SHIRATORI, then Ambassador on the  
22 waiting list, for the Foreign Office as Vice-Minister,  
23

24 (180. Refer to testimony given by prosecution's  
witness KOIZUMI (Tr. 1264-65) and defense  
25 witness NAKAMURA (Tr. 18,519-525)

181. Tr. 25,123.

182. Ex. 3205, Tr. 29,009-018)



1 but Foreign Minister MATSUOKA had already decided on  
2 OHASHI for that post. MATSUOKA told SHIRATORI that  
3 he intended to effect a wholesale dismissal of senior  
4 diplomats and suggested to SHIRATORI to show the way  
5 by resigning the position of Ambassador which he held  
6 nominally until then, and by way of compensation  
7 MATSUOKA offered SHIRATORI an appointment as advisor  
8 to the Foreign Office, along with SAITO, an intimate  
9 friend and confidant of MATSUOKA. Although, as has  
10 been shown, neither party had any liking for the  
11 other, SHIRATORI accepted the offer because he was a  
12 career diplomat, without other means of support (183).  
13 The competence and duties of the advisor were not  
14 clearly defined by any act or ordinance. He had no  
15 access, as of right, to any document or information  
16 belonging to the Foreign Office. His influence and  
17 activities depended largely upon the personal character-  
18 istics of the Foreign Minister of the time and es-  
19 pecially upon the degree of intimacy and confidence  
20 that might exist between him and the Minister (184).  
21

22 SHIRATORI had not met MATSUOKA for more than  
23 ten years before that time (185). He had little to  
24 do with MATSUOKA personally as well as officially (186).  
25

(183. Tr. 35,047-048

184. Tr. 34,957 and 34,875-76

185. Tr. 35,047

186. Tr. 34,958)

1 Moreover, MATSUOKA was a man of great self-confidence,  
2 who would do everything by himself, rarely asking  
3 the advice of others, and he scarcely ever consulted  
4 even his intimate friend SAITO, another advisor to  
5 him, upon important questions of policy or of govern-  
6 ment (187). Therefore, SHIRATORI's advisorship to  
7 MATSUOKA was a sinecure from the beginning. He was  
8 never consulted by MATSUOKA on any matter of policy;  
9 important documents and information concerning the  
10 cardinal policies of the government in foreign affairs  
11 were being kept from him, a most striking instance of  
12 which was IPS exhibit 541, a document containing the  
13 basic policy of the Government in regard to the con-  
14 clusion of the Tripartite Pact (188). Further than  
15 that, Ambassador Ott testified that not only did he  
16 not observe any personal influence of SHIRATORI with  
17 MATSUOKA but he occasionally got the impression of a  
18 certain mistrust between MATSUOKA and SHIRATORI by  
19 some remarks they made to him about each other (189).  
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(187. Tr. 34,958  
188. Tr. 35,048 and 34,959  
189. Tr. 34,877.)



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1        MATSUOKA seemed determined from the outset  
2        that no person, not excepting Premier Prince KONOYE  
3        himself, should share with him either the blame or  
4        the credit for the new diplomatic venture he was  
5        embarking upon. And it was in the conduct of the  
6        negotiations with Stahmer and Ott for the Tripartite  
7        Pact that he was particularly secretive or exclusive,  
8        especially of SHIRATORI (189-A). He made it a point  
9        of distinguishing this pact from the afore-explained  
10       attempt of 1938-39, and refused to study documents or  
11       consult persons that had anything to do with the  
12       previous negotiations. SHIRATORI's opinion was never  
13       asked in any respect and at any stage of negotiation  
14       and when he was first allowed to see the draft text  
15       of the treaty, not to be confused with the preamble  
16       thereof, it was already in a finished form in the  
17       English language (189-B). Later he was asked to  
18       translate into English the preamble of the treaty  
19       which Advisor SAITO drafted in Japanese by MATSUOKA's  
20       order. As has been shown, MATSUOKA made the first  
21       English draft of the preamble to the treaty, which was  
22       translated into Japanese by Foreign Advisor SAITO.  
23       Thereafter, SHIRATORI re-translated the preamble into  
24       189-A. T. 24480-481.  
25       189-B. Item 4, Ex. 3588, T. 34959-960.

English from the Japanese text prepared by SAITO.

1 MATSUOKA was more impressed with SHIRATORI's English  
2 than he was with his own and consequently adopted  
3 SHIRATORI's translation (189-C). SHIRATORI was  
4 never told by MATSUOKA or anyone else as to the real  
5 meaning of the several articles of the pact, nor did  
6 he learn if there was any secret understanding concern-  
7 ing the document. Until they were read or tendered  
8 in evidence before this Tribunal, he was entirely  
9 ignorant of the existence of so many annexes and  
10 exchanged notes bearing on the Tripartite Pact of  
11 27 September 1940 (190).

12 It is stated in exhibit 3145-A, a memorandum  
13 with annexes by MATSUMOTO, that "On 5 September 1940  
14 a plan, as Annex No. 1, was drafted by Vice-Foreign  
15 Minister OHASHI, the advisors SHIRATORI and SAITO, and  
16 presented by Foreign Minister MATSUOKA to the Four-  
17 Minister Conference for consideration." (191).

18 This statement is entirely erroneous. OHASHI, SHIRA-  
19 TORI, and SAITO never made that plan on September 5,  
20 1940, or on any other date (192). The said Annex  
21 No. 1, attached to exhibit 1145-A, is exactly the  
22

23 189-C. T. 34985.

24 190. T. 35049-050 and 34959-960.

25 191. T. 27986.

192. T. 34967.



1 same as the document entitled: "Strengthening of  
2 the Japan-Germany-Italy Axis," (193), which was  
3 adopted on September 4, 1940, at the Four-Minister  
4 Conference, and which was later confirmed by the  
5 Liaison Conference of September 19, 1940 (194). It  
6 is unimaginable that the plan which was decided upon  
7 by the Four-Minister Conference on September 4 should  
8 be drafted the following day by OHASHI, SHIRATORI and  
9 SAITO to be presented by MATSUOKA to a Four-Minister  
10 Conference.

11 The witness SAITO testified that he had no  
12 knowledge as to who drafted the original of the  
13 aforesaid Annex No. 1; to wit, IPS exhibit 541; that  
14 he was shown it by MATSUOKA after it had passed the  
15 Four-Minister Conference, but it was not shown to  
16 SHIRATORI at any time (196), and that he had nothing  
17 to do with the revision of the document by the  
18 Foreign Office on September 4, 1940, and he knew for  
19 certain that SHIRATORI also had had no connection with  
20 it (197).

21 The original of this exhibit; that is, Annex  
22 No. 1, on page 12 thereof, shows that the contents  
23 193. Ex. 541, T. 6307-08. 196. Refer also to T.34959.  
24 194. T. 27994. 197. T. 34967.  
25 195. T. 34966.

1 are written in both black and red print. The where-  
2 abouts of the original plan is not known, but the  
3 black print on said page shows that it is a revised  
4 draft made of the original plan by army and navy  
5 officials concerned on 6 August 1940. The red print  
6 on this page shows corrections made to the aforesaid  
7 revised draft by the Foreign Office on 4 September 1940.  
8 It will be noted that such of the revised draft of  
9 the 6 August 1940 meeting as was changed by the  
10 Foreign Office has red lines marked through it, strik-  
11 ing the same out. The red print inserted on said  
12 page 12, and thereafter, stipulates the corrections or  
13 changes made on 4 September 1940.

14 At the top right corner of page 12 there are  
15 written in red print two marginal notes, which state:

16 1. "The draft is a revised draft made by  
17 army-navy officials concerned."

18 2. "The red letters are a revised draft by  
19 the Foreign Office."

20 (N. B. Above items read as corrected by the  
21 Language Arbitration Board, 24 September and 4 November  
22 1947.)

23 On the right margin of page 12, is written  
24 in black print - "6 August 1940," which is struck out  
25 by a red line. Next to this is written in red ink



1 "4 September 1940," these being the dates of the  
2 revised draft of the army-navy officials, and a  
3 further revision thereof by the Foreign Office,  
4 respectively.

5 The army-navy draft extends from pages 12  
6 to 26 and contains corrections throughout in red ink  
7 made by the Foreign Office on 4 September 1940, as  
8 aforesaid (N. B. - The English translation extends  
9 from pages 2 to 16).

10 Therefore, the original exhibit 3145-A shows  
11 on its face that the original draft was made prior to  
12 6 August 1940; that the same was revised by army-  
13 navy officials concerned on 6 August 1940; and that  
14 this draft was again revised on 4 September 1940 by  
15 the Foreign Office. On the same day, namely, 4  
16 September 1940, this revised draft of the Foreign  
17 Office was adopted at the Four-Ministers Conference,  
18 which consisted of the Premier and the Ministers of  
19 the Army, Navy and Foreign Affairs (exhibit 541,  
20 pp. 7-15; T. 6307-08).

21 Thereafter, a plan identical with this plan,  
22 word for word, was adopted at the Liaison Conference  
23 of 19 September 1940 (exhibit 541, pp. 7-15, T.  
24 6307-08).

25 Therefore, it is clear that at least two

1 drafts had been made, as aforesaid, prior to SHIRATORI's  
2 appointment as advisor to the Foreign Office on  
3 28 August 1940, and the revised draft adopted by the  
4 Foreign Office and thereafter by the Four-Ministers  
5 Conference on the same day, namely 4 September 1940,  
6 occurred prior to the so-called meeting of OHASHI,  
7 SAITO, and SHIRATORI, when the original draft was  
8 alleged to have been made, in the erroneous memorandum  
9 of MATSUMOTO, on 5 September 1940, a day after the  
10 semi-final draft was adopted by the Foreign Office  
11 and the Four-Ministers Conference. Consequently, it  
12 is unimpeachably shown that MATSUMOTO was mistaken  
13 and without proper knowledge of where, when and by  
14 whom the various drafts were made, and further shows  
15 that SHIRATORI could not have had the part therein  
16 stated by MATSUMOTO. This is further substantiated  
17 by the evidence of Foreign Advisor SAITO (T. 34966-967),  
18 and SHIRATORI himself (T. 35049), lines 19-20).

19 It should also be noted that MATSUMOTO was ap-  
20 pointed to the Foreign Office on 5 September 1940 and  
21 further that he did not assume the duties of his office  
22 until the latter part of September 1940, which was  
23 after the final draft had been approved by the Liaison  
24 Conference 19 September 1940 (T. 34966 and 34982).

25 In short, it is quite clear that SHIRATORI



1 had nothing to do with the conclusion of the Tri-  
2 partite Pact of 27 September, 1940. We rely, in  
3 this regard, also on the evidence given by the witness  
4 Stahmer (199).

5 In MATSUOKA's other diplomatic moves, such  
6 as negotiations and agreements with French Indo-China,  
7 Siam and Dutch East Indies, as well as the recogni-  
8 tion by Japan of the Wang Tshing Wei Regime on  
9 November 30, 1940, and the Joint Declaration of Japan,  
10 Manchukuo and China, etc., SHIRATORI was even less  
11 concerned than in the Tripartite Pact. Also, nothing  
12 was made known to SHIRATORI about MATSUOKA's trip to  
13 Europe in the spring of 1941 until a few days before  
14 his departure from Tokyo. The circumstances under  
15 which this trip was decided upon by the government and  
16 its object and purpose were kept entirely from him (200).

17 As we will explain later, SHIRATORI became  
18 seriously ill at the beginning of April 1941, soon  
19 after MATSUOKA left for Europe, and after spending  
20 nearly a month in the hospital, moved to the seashore  
21 at Hayama, where he remained convalescing in almost  
22 complete retirement and unfit for any activities for  
23 about a year. Although he was Foreign Office advisor  
24

25  
199. T. 24480-481 and 24439.  
200. T. 35050 and 34960-961.

1 in name until his resignation on 22 July 1941, he  
2 did not, during that period, once put in an appearance  
3 in the Foreign Office and had nothing to do with the  
4 affairs of that office, nor did he ever see MATSUOKA  
5 again after the latter's departure for Europe in  
6 April 1941, until they were thrown together at Sugamo  
7 early in April 1946. SHIRATORI did not concern him-  
8 self in any manner in the diplomatic negotiations  
9 between Japan and the United States from April to July,  
10 1941 (201).

11 In our above argument, we often relied on  
12 the testimony given by the Witness SAITO, co-advisor  
13 to the Foreign Office, along with SHIRATORI (201-A).  
14 The prosecution attacked the credibility of SAITO's  
15 testimony in UU-81 and UU-82 (pp. UU 82-85). We  
16 contradict this attack as follows:

17 1) SAITO stated in his affidavit (201-B)  
18 as follows:

19 "Although I saw Mr. SHIRATORI almost daily  
20 at that period at the advisor's quarters of the  
21 Foreign Office, I am not aware that he was playing  
22

23 201. T. 34961-962 and 35050-051.  
24 201-A. Ex. 3588 and 3589, T. 34956-986.  
25 201-B. Ex. 3588, T. 34963.



1 any important part as a member of the said directorate."

2 During the cross-examination by the prosecu-  
3 tion, SAITO stated as follows (201-C):

4 "Let me add here that Mr. SHIRATORI, while  
5 advisor to the Foreign Office, hardly went to the  
6 Foreign Office."

7 With regard to this so-called self-contradiction of SAITO relative to how often he saw SHIRATORI,  
8 et cetera, we wish to call the attention of the  
9 Tribunal to the fact that the particular period SAITO  
10 says he saw SHIRATORI daily was prior to and during  
11 the period of October 1940, only a little over a  
12 month after his appointment as Foreign Advisor, when  
13 he would naturally try to take an interest in his  
14 position. We further contend that the latter state-  
15 ment advanced by SAITO, without even being questioned  
16 about it, that SHIRATORI very seldom came to the  
17 Foreign Office, was during the period after October,  
18 1940, and after SHIRATORI finally became convinced  
19 that he was an advisor in name only and that his  
20 presence at the Foreign Office was neither needed,  
21 expected or required. It will please be noted that  
22 SAITO was careful to use the phrase - "Although I  
23 saw Mr. SHIRATORI almost daily at that period, etc.,"  
24 201-C. T. 34977.

1 strongly indicating that he didn't see him often  
2 later on. Therefore, there could be no inconsistency  
3 in the testimony of the witness SAITO, as the prosecu-  
4 tion would have the Tribunal believe.

5 2) The fact that SAITO did not recollect  
6 "the stream of (SHIRATORI's) propaganda lectures and  
7 writings" advocating the alliance with the Axis, shows  
8 how few people heard or read the lectures and writ-  
9 ings in question, and how little influence those  
10 lectures and writings exerted. Moreover, we respect-  
11 fully refer to the evidence of the witness MISHIMA,  
12 who testified that the various magazines in which  
13 SHIRATORI's articles appeared varied in circulation  
14 from 1000 monthly for the smallest, to from 20,000  
15 to 30,000 monthly for the largest (T. 35011-012). We  
16 contend this is a very limited circulation of such  
17 articles in a country of nearly 80,000,000 people  
18 and would not have moulded public opinion to one iota  
19 of the extent that the prosecution insists, and so  
20 continuously harps on. Further, according to the same  
21 witness, the number of persons attending lectures  
22 given by SHIRATORI ranged from ten up to seven or  
23 eight hundred (T. 35012). This is indeed a limited  
24 attendance for one who is alleged to have been the  
25 moulder of public opinion in Japan, when even an



1 ordinary speaker in America can draw 15,000 to 18,000  
2 in Madison Square Garden or elsewhere for political  
3 rallies. Further, we will later show that these  
4 lectures and writings were not so numerous as the  
5 prosecution described.

6 3) In Part VI of Ex. 2234 (201-E), in his  
7 article published in the "Greater Asia Magazine" in  
8 June, 1940, SHIRATORI, under the presumption that  
9 Germany would win the European war, stated that "Japan  
10 cannot remain idle as an onlooker in the event of a  
11 wholesale change of territory taking place in the  
12 southeast of Asia." However, under such circumstances  
13 as prevailed after the great German successes in  
14 the Western Front in early summer of 1940, everyone,  
15 if placed in the same situation as the Japanese at  
16 that time, would say the same thing. It cannot be  
17 branded as "SHIRATORI's emphatic espousal of an  
18 advance to the South." It must be borne in mind  
19 that at the time of this article Germany had overrun  
20 the Netherlands and France, who held valuable colonies  
21 in the South Seas district, and it could be naturally  
22 assumed that Germany, unless something could be done,  
23 would exploit these colonies to their own use. There-  
24 fore, SHIRATORI's thought was that it was the proper  
25

201-E. T. 16063-068. Refer also to Ex. 2234, Part IV,  
pp. 33-55, read only in part by the prosecution.

1 time to make some rapprochement with Germany to  
2 guarantee some form of commercial operations in  
3 these areas. This was doubly important due to the  
4 action of America in placing an embargo on exports and  
5 imports from and to Japan and by her economic  
6 pressure on Japan. Further, it is to be borne in  
7 mind that at the time of this article, in June, 1940,  
8 SHIRATORI was then on the waiting list and had no  
9 duties, authority or functions whatsoever in the  
10 Foreign Office (T. 34971), and spoke only as an  
11 individual.  
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1 4) As we will show later, SHIRATORI almost  
2 always aimed by his speeches and writings their indi-  
3 rect or reverse effect or influence. Therefore, if  
4 SHIRATORI's "inflammatory speeches and writings"  
5 appeared as pro-Axis, it cannot be necessarily incon-  
6 sistent with the fact that SHIRATORI was in reality  
7 not a Germanophile.

8 5) SAITO testified in his affidavit (ex. 3143)  
9 that the English text of the preamble was written and  
10 proposed personally by MATSUOKA, but this original  
11 draft text had been lost. Therefore, SAITO quoted  
12 in the exhibit, as the said original text, the pre-  
13 amble in the final form in the Tripartite Pact, as it  
14 was not necessary for him to explain the matter in great  
15 detail in that exhibit. Now, as the prosecution  
16 attacked during his cross-examination the apparent in-  
17 consistency between his two statements in exhibits  
18 3588 and 3143 (201-F), SAITO explained in detail that  
19 there were in fact three drafts of the preamble --  
20 MATSUOKA's original draft in English, SAITO's trans-  
21 lation of it into Japanese, and SHIRATORI's retrans-  
22 lation into English, which became the final version.  
23 As MATSUOKA's original manuscript was written by him  
24 extempore in the course of his personal negotiations  
25 (201-F) Tr. 34,983-985.

1 with Stahmer and Ott, it is quite conceivable that it  
2 was not carefully preserved for a long time. Further,  
3 as MATSUMOTO actually began to participate in the  
4 negotiation for the Tripartite Pact in the latter part  
5 of September, 1940 (201-G), when the draft Tripartite  
6 Pact was already in a finished form in English, his  
7 "official record" (ex. 3145-A) cannot be a first-hand  
8 one, correct and authentic in every respect.

9 THE PRESIDENT: You have a whole section here  
10 dealing with his illness. That could be dealt with  
11 in a couple of lines. You have six pages. The whole  
12 thing is terribly overdone. That is all I can say abu  
13 about the summation.

14 MR. CAUDLE: I was only trying to put in  
15 there what had been brought out in evidence.

16 THE PRESIDENT: Proceed.

17 MR. CAUDLE: IX. SERIOUS ILLNESS OF SHIRATORI,  
18 AND OUTBREAK OF THE PACIFIC WAR.

19 Since early 1941, SHIRATORI became deeply  
20 absorbed in the study of quite a number of voluminous  
21 works on Japanese national polity and Shinto mythology,  
22 and frequently sat up all night. His absorption in  
23 these topics led him to overtax both his mind and body  
24 to the extent that he became afflicted with an  
25 (201-G) Tr. 34,982-983.



1 obstinate insomnia and about the 20th of March he  
2 was seized with what apparently was an acute case of  
3 nervous debility, accompanied by somewhat alarming  
4 indications of mental abnormality (202).

5 About the 5th of April he began to show marked  
6 signs of exhaustion, and from the night of April 8  
7 indications of a mental derangement became apparent  
8 Dr. MURAMATSU, Vice-Director of the Matsuzawa Psychi-  
9atric Hospital, Tokyo, lecturer at the Medical Faculty  
10 of the Tokyo Imperial University and professor of  
11 the Tokyo Medical College, and Dr. MIYAKE, professor  
12 of the Tokyo Imperial University, were called in to  
13 examine SHIRATORI on the 12th of April, 1941, and  
14 found him in a state of so-called delirium and diagnosed  
15 his condition as a manic state of manic-depressive  
16 psychosis (203).

17 Thereafter, SHIRATORI was sent to the Komine  
18 Psychiatric Hospital, Tokyo, on the 16th of April,  
19 1941 (204). The witness MISHIMA learned from SHIRATORI  
20 afterwards that he (SHIRATORI) had completely lost  
21 consciousness from about the 9th of April, 1941,  
22 and that it was on the 28th of the same month that he  
23 awakened to find himself in bed in an unknown hospital  
24 (202). Ex. 3592, Tr. 35,003.  
25 (203) Ex. 3593, Tr. 35,014-015.  
(204) Tr. 35,015.

hospital (205). In this respect Dr. MURAMATSU testified that he was informed on the 25th of April, 1941, that SHIRATORI had at last recovered his consciousness (206).

SHIRATORI was allowed to leave the hospital on May 10, 1941. Dr. MURAMATSU saw him on the following day and found his mental condition now remarkably settled, but a state of excitement was still present. It was necessary for him still to continue taking a considerable amount of sedatives as late as in the middle of June 1941.

In view of these unsatisfactory circumstances, following his return from the hospital, Dr. MURAMATSU strictly cautioned the patient and his family against receiving visits and taxing his mind with questions concerning international situations and against reading anything, including magazines and newspapers. It was in order to facilitate the practice of such a strict seclusion treatment that Dr. MURAMATSU advised SHIRATORI to remove to a seaside cottage at Hayama, although that involved much inconvenience to him as the physician in charge (207), and SHIRATORI removed there in the middle of June 1941, where he remained

- (205) Tr. 35,004.  
(206) Tr. 35,015-016.  
(207) Tr. 35,016-017.



convalescing until April of the next year (208).

1 Dr. MURAMATSU made his last visit down to Hayama on  
2 the 13th of August, 1941, and found that SHIRATORI at  
3 that date could hardly be regarded as "completely  
4 cured," but he decided to discontinue his visits in  
5 the thought that so long as his advice was strictly  
6 followed by the patient and his family, expert help  
7 could now be safely dispensed with, barring an un-  
8 expected change or relapse. Before quitting, Dr. MURA-  
9 MATSU renewed his advice to SHIRATORI and his family  
10 to use special care to concentrate all their efforts  
11 on recuperation for at least half to one year, refrain-  
12 ing from all official work or political activities,  
13 and having as little as possible to do with the outside  
14 world generally, and he emphasized the particular  
15 importance of guarding against a relapse which was  
16 apt to occur in a case like that of SHIRATORI within  
17 one-half to one year of apparent recovery (209).

19 Dr. MURAMATSU learned from SHIRATORI's family that his  
20 counsel was being faithfully acted upon by the patient  
21 (210). The witness HISHIMA also testified in this  
22 regard that to the best of his knowledge, SHIRATORI  
23 faithfully observed the injunction by Dr. MURAMATSU,  
24

25 (208) Tr. 35,004.  
(209) Tr. 35,017-018.  
(210) Tr. 35,018.

1 especially for the first six months of his retired  
2 life (211). According to an entry in his pocket  
3 diary, Dr. MURAMATSU had a message from a friend of  
4 SHIRATORI's that about the 23d of December, 1941,  
5 SHIRATORI had a relapse and was again suffering from  
6 lack of sleep. (212). Thus, SHIRATORI was rendered  
7 physically and mentally unfit for any activities of  
8 any responsibility from April 1941 until about April  
9 1942; that is to say, during the most crucial period  
10 in the history of Japan. Although he was Foreign  
11 Office advisor in name until his resignation on 22 July,  
12 1941, he could have, and had nothing to do with the  
13 affairs of that office since April 1941 (213), and  
14 thereafter he had no official position until he was  
15 elected as a member of Parliament, 30 April 1942 (214).  
16 As to SHIRATORI's condition of health during his  
17 election campaign in April 1942, please refer to  
18 item (b) of chapter X hereafter.

19 We have presented this evidence of SHIRATORI's  
20 illness rather in detail in order to show that except  
21 by such an undue stretch of imagination and of the  
22 logic of conspiracy as the prosecution indulge in  
23

24 (211) Tr. 35,004.

(212) Tr. 35,018.

(213) Tr. 34,961.

25 (214) See Chap. VI above and Tr. 34,949-950.



(UU-95, pp. UU-74-76), SHIRATORI cannot, in fairness,  
1 be charged with planning, preparing or instigating  
2 the Pacific War.

3 We also submit this evidence definitely  
4 impeaches the credibility of the reports Ambassador Ott  
5 sent to Berlin concerning SHIRATORI (ex. 1113 and 800).  
6 As witness MISHIMA testifies, the nature of SHIRATORI's  
7 malady and his actual conditions at the time were  
8 such that it is entirely unimaginable that as early as  
9 July 7, 1941, he should have engaged in any serious  
10 or sensible conversation with a foreign diplomat on  
11 international politics. As SHIRATORI says, Ott's  
12 was a surprise visit; that is to say, if Ott's inten-  
13 tion to visit him had been made known beforehand,  
14 SHIRATORI and his family would certainly have declined,  
15 in obedience to the injunction of the physician.  
16 SHIRATORI has no recollection of the conversation with  
17 Ott on July 7 or about August 1; indeed, the very  
18 fact of Ott's visit to him about that time did not  
19 occur to SHIRATORI when IPS exhibits were tendered  
20 in evidence, but he had to first ascertain it of his  
21 family. As for Ott's statement (ex. 608) that he saw  
22 SHIRATORI early in December perhaps at Hayama, not  
23 only did SHIRATORI have a slight relapse and was  
24 more than ever out of touch with the outside world,  
25

1 but Hayama being a summer resort, it is impossible to  
2 imagine that Ott should be visiting there at so un-  
3 seasonable a time as December. If he had been there  
4 on purpose to see SHIRATORI, he ought to be able more  
5 clearly to recall it. We respectfully submit that  
6 apart from other proofs we have offered in this  
7 matter, the above few samples ought to show convin-  
8 cingly the general character of Ott's telegrams where-  
9 in SHIRATORI's name is dragged in.

10 X. IMPERIAL RULE ASSISTANCE ASSOCIATION and  
11 IMPERIAL RULE ASSISTANCE POLITICAL SOCIETY and  
12 SHIRATORI; and

13 XI. SHIRATORI'S POSITION DURING WORLD WAR II.

14 The first is division X:

15 (a) SHIRATORI and IRAA (Imperial Rule  
16 Assistance Association):

17 As to the circumstances surrounding the  
18 establishment of the Imperial Rule Assistance Associa-  
19 tion, as well as the character and status of the  
20 association, we rely on the evidence given by witness  
21 ARIMA, former Secretary-General of the association  
22 (216), as well as on the evidence given by the defense  
23 in their general phases. The IRAA was conceived of  
24 from the beginning as a public organization (comparable  
25 (216) Ex. 3594, Tr. 35,020-026.



1 to a hygienic organization) as distinguished from  
2 political parties, aiming as it did at organizing  
3 the entire nation in such a manner as to enable them  
4 more loyally and effectively to discharge their  
5 duties as Imperial subjects. Prince KONOYE, the  
6 organizer and the first President of IRAA, clearly  
7 stated on several occasions that the association was  
8 sharply to be distinguished in character from the one-  
9 party system of the totalitarian countries of Europe  
10 (217).

11 SHIRATORI was among those who were originally  
12 invited by Prince KONOYE, in August 1940, to form  
13 the Arranging (or Preparatory) Committee for the IRAA,  
14 but he did not take any active part in the discussions  
15 of the committee. He generally absented himself  
16 from its meetings (218).

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24 (217) Tr. 35,021-022; refer also to evidence given by  
25 prosecution's witness GOTO, Tr. 1646 and 1653-54.  
(218) Tr. 35,021.

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24 (217) Tr. 35,021-022; refer also to evidence given by  
25 prosecution's witness GOTO, Tr. 1646 and 1653-54.  
(218) Tr. 35,021.



1       Witness ARIMA testified that the directors  
2 of the IRAA numbered about forty, of whom about dozen  
3 were managing directors; that the business of the  
4 association was in practice mainly undertaken by the  
5 managing directors, the secretary-general, etc.,  
6 that SHIRATORI was nominated an ordinary (not managing)  
7 director, in October 1940, but that ARIMA did not  
8 recollect that SHIRATORI ever attended any of the  
9 meetings of the directorate or otherwise played any  
10 part in connection with the activities of the associa-  
11 tion, and that SHIRATORI's activities in the organiza-  
12 tion were in fact so inconsequential that it was not  
13 until witness ARIMA was requested by SHIRATORI's counsel  
14 to make a deposition regarding the latter's activities  
15 in the organization that ARIMA remembered that at one  
16 time SHIRATORI was a member of the Arranging Committee  
17 and an ordinary director of the IRAA (219).

19       Also, the testimony given by prosecution's  
20 witness GOTO, one of the organizers and directors of  
21 the IRAA, leads to the conclusion that SHIRATORI did  
22 not play a part in the association prominent enough to  
23 come to GOTO's notice (220).

24       Witness SAITO testified that the IRAA had for

25       (219) T. 35,022-023.  
      (220) T. 1,661-63.

1 its object the moral mobilization of the nation and  
2 did not concern itself directly with politics, much  
3 less with diplomatic questions. Although at that par-  
4 ticular time SAITO saw SHIRATORI almost daily at the  
5 advisors' quarters of the Foreign Office, he was not  
6 aware that SHIRATORI was playing any important part as  
7 a director of the association. In fact, SAITO remem-  
8 bered SHIRATORI's telling him once that he (SHIRATORI)  
9 expected nothing of real value or significance from  
10 this organization; and SHIRATORI generally stayed away  
11 from the meetings of the association which were held  
12 quite frequently at its initial stage (221).

13 When the IRAA was reorganized in the spring of  
14 1941, all the directors of the association tendered  
15 their resignations. While most of the directors decided  
16 by April 30, 1941, to retract their resignations, wit-  
17 ness ARIMA and several other directors left their posts.  
18 SHIRATORI was among those who resigned and never took  
19 any step to retract his resignation, as did various  
20 others, but remained completely out of the organization. (222)

21 THE PRESIDENT: We will adjourn until half-  
22 past nine tomorrow morning.  
23

24 (Whereupon, at 1600, an adjournment was  
25 taken until Thursday, 1 April 1948, at 0930.)

(221) Tr. 34,968-64. (222) Tr. 35,023.)